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• 37th PARLIAMENT

• VOLUME 141

• NUMBER 1

OFFICIAL REPORT
(HANSARD)

Monday, February 2, 2004

THE HONOURABLE DAN HAYS
SPEAKER



This issue contains the latest listing of Senators, Officers of the Senate, the Ministry, and Senators serving on Standing, Special and Joint Committees.

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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Monday, February 2, 2004

[Translation]

THIRTY-SEVENTH PARLIAMENT OPENING OF THIRD SESSION

Parliament having been summoned by Proclamation to meet this day for the dispatch of business:

The Senate met at 12:30 p.m., the Speaker in the Chair.

Prayers.

COMMUNICATION FROM GOVERNOR GENERAL'S SECRETARY

The Hon. the Speaker informed the Senate that a communication had been received from the Secretary to the Governor General, as follows:

RIDEAU HALL

February 2, 2004

Mr. Speaker

I have the honour to inform you that Their Excellencies, the Governor General and John Ralston Saul, will arrive at the Peace Tower at 3 p.m. on Monday, the 2nd day of February, 2004, and that when it has been indicated that all is in readiness, Their Excellencies will proceed to the Chamber of the Senate to formally open the Third Session of the Thirty-seventh Parliament of Canada.

Yours sincerely,

Barbara Uteck
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

[English]

NEW SENATORS

The Hon. the Speaker: Honourable senators, I have the honour to inform the Senate that the Clerk has received certificates from the Registrar General of Canada showing that the following persons, respectively, have been summoned to the Senate:

Terry M. Mercer

Jim Munson

INTRODUCTION

The Hon. the Speaker having informed the Senate that there were senators without, waiting to be introduced:

The following honourable senators were introduced; presented Her Majesty's writs of summons; took the oath prescribed by law, which was administered by the Clerk; and were seated:

Hon. Terry M. Mercer, of Caribou River, Nova Scotia, introduced between Hon. Jack Austin, P.C., and Hon. Wilfred P. Moore; and

Hon. Jim Munson, of Ottawa, Ontario, introduced between Hon. Jack Austin, P.C., and Hon. Landon Pearson.

The Hon. the Speaker informed the Senate that each of the honourable senators named above had made and subscribed the declaration of property qualification required by the Constitution Act, 1867, in the presence of the Clerk of the Senate, the Commissioner appointed to receive and witness the said declaration.

The Senate adjourned until 3 p.m.

• (1500)

SECOND SITTING

The Senate met at 3 p.m., the Speaker in the Chair.

The Hon. the Speaker: As there is no business before the Senate, is it your pleasure, honourable senators, that the Senate do now adjourn during pleasure to await the arrival of Her Excellency the Governor General?

The Senate adjourned during pleasure.

SPEECH FROM THE THRONE

At 3:20 p.m., Her Excellency the Governor General proceeded to the Senate Chamber and took her seat upon the Throne. Her Excellency was pleased to command the attendance of the House of Commons, and, that House being come, with their Speaker, Her Excellency was pleased to open the Third Session of the Thirty-seventh Parliament of Canada with the following speech:

Honourable Members of the Senate,

Members of the House of Commons,

Ladies and Gentlemen:

[Translation]

I am pleased to greet you at the beginning of 2004, when, as Canadians, we know that our history and our capacity for change are a part of our strength as a complex and modern country. Human dignity and respect for others and a realistic awareness of our past make us a mature nation and help us to move forward to express our true values.

We have our own Canadian values and we can bring them into the international sphere in a humanitarian and effective way. As Governor General and Commander-in-Chief of the Canadian Forces, I have the privilege of seeing our values as Canadians in action.

When I visited our troops in Kabul, I could see that our troops play a vital role of courage and commitment. In the past year, we have suffered tragic loss and injury to our soldiers while carrying out Canada's commitment to peace. I said to the soldiers that every single one of them carries within him or her a microcosm of our Canadian character. A desire to create a world where fairness, justice and decency reign.

[English]

That part of the Canadian character comes out in civilian ways when we face natural disasters — such as the devastation of the fires in British Columbia or the destruction of Hurricane Juan on our eastern coast. My visit to Kelowna and Kamloops after the devastating fires confirmed to me that Canadians, even in distress and loss, think of others. Many assured me that their situations were not as bad as their neighbours' and were more concerned about how others would cope.

It is this ability to look at the needs of others, to feel compassion for their suffering as part of our own, which speaks to the best of us as Canadians. I think this comes from the fact that we have a society that is caring, in which Aboriginals, Francophones, Anglophones — and immigrants from all over the world — play a significant part. Our history has prepared us to be innovative in the modern world, where diversity counts for so much.

I preside over citizenship ceremonies across this country whenever I can, most recently in Saskatoon 10 days ago. But whether it's in Saint John, Quebec City, Ottawa, Calgary, I speak to our newest Canadians with optimism. Because I know that, as they look around them, they will see examples of what it is like to live the truly Canadian life, to accept and be accepted, to understand and be understood.

When we look around us at Canada today, we see many strengths, many achievements — a society with an enviable quality of life and so much potential, so much talent.

We can build on these strengths to expand our horizons and enlarge our ambitions.

Canadians have already taken up that challenge. They have embraced change with a new confidence. Canadians know who they are and what they want. They want a government that helps shape that course, that leads the way — and that also engages them in building the future.

We want governments to reflect our values in the actions they take. This includes living within our means; investing as we can afford; and looking to the future.

Canadians want their government to do more than just settle for the status quo. They want a government that can lead change, develop a national consensus on common goals and have the wisdom to help all of us achieve them.

[Translation]

The goals of the Government of Canada are clear.

We want a Canada with strong social foundations, where people are treated with dignity, where they are given a hand when needed, where no one is left behind. Where Canadians — families and communities — have the tools to find local solutions for local problems.

We want a strong economy for the 21st century, with well-paying and meaningful work; ready at the forefront of the next big technological revolution; and built on a solid fiscal foundation.

We want for Canada a role of pride and influence in the world, where we speak with an independent voice, bringing distinctive Canadian values to international affairs. It is time to take our place, meet our responsibilities, carry our weight.

[English]

Today the Government is proposing an ambitious agenda to set our country on this path. An agenda that should be measured and judged by the goals we have set and by the resolve and constancy by which they are pursued.

Achievements of worth and permanence take time. But that is no excuse for inaction. The Government is committed to making the down payments needed now and to build consistently on these steps as resources permit. So that, a decade hence, we will see that today we made the right choices for the country.

This Speech from the Throne marks the start of a new government; a new agenda; a new way of working.

It marks a renewal, built on partnership, opportunity, achievement — and the real engagement of Canadians.

CHANGING THE WAY THINGS WORK IN OTTAWA

The path to achievement begins with making sure that Canadians believe their government, so that they can believe in government.

We must re-engage citizens in Canada's political life. And this has to begin in the place where it should mean the most — in Parliament — by making Parliament work better. That means reconnecting citizens with their Members of Parliament.

That means a new partnership with provinces and territories, focused on the interests of Canadians. That also means greater transparency, ethical standards, and financial accountability in how we govern.

The Government of Canada is determined to return Parliament to the centre of national debate and decision making and to restore the public's faith and trust in the integrity and good management of government.

To that end, it will, as a first step, immediately table in Parliament an action plan for democratic reform.

This will include significantly more free votes, so that Members can represent the views of their constituents as they see fit.

This will include an enhanced role for Members to shape laws.

An enhanced role for Parliamentary Committees, so that Members can hold the Government to greater account — and can play a key role in reviewing senior appointments.

A more active role for Parliamentary Secretaries, for greater engagement between the Government and Parliament and with Canadians.

Significantly enhancing the role of all MPs will make Parliament what it was intended to be — a place where Canadians can see and hear their views debated and their interests heard. In short, a place where they can have an influence on the policies that affect their lives.

RESTORING TRUST AND ACCOUNTABILITY

Democratic renewal must also restore trust. Too many Canadians are alienated from their governments. This must be reversed.

Canadians want the Government of Canada to do better in meeting ethical standards. That is why, as one of its first acts, the Government enhanced the ethics code for all federal public office holders. And that is also why the Government will ask Parliament to immediately reinstate and adopt legislation establishing an independent Ethics Commissioner reporting to Parliament and an Ethics Officer for the Senate.

And this is why the Government created a new agency for continuing excellence in public service. A professional, non-partisan public service — drawing on the talents and commitment of Canadians from every region — is a source of strength and advantage. Our public servants have an important role in this agenda of change. They want to improve how we govern. Canadians deserve the best public service possible — and our agenda demands it.

Democratic renewal means that government programs deliver on objectives, that they deliver what matters in people's lives. Canadians expect government to respect their tax dollars. They want to have the confidence that public money — their money — is wisely spent.

To this end, the Government is launching an ongoing process of expenditure review, overseen by a new Committee of Cabinet. This will ensure that spending reflects priorities and that every tax dollar is invested with care to achieve results for Canadians.

[Translation]

A STRONGER RELATIONSHIP

Democratic renewal means opening the doors in Ottawa to the voices of our provinces and territories — all our regions — and adopting new ways of working together on behalf of Canadians.

Jurisdiction must be respected. But Canadians do not go about their daily lives worried about which jurisdiction does this or that. They expect, rightly, that their governments will co-operate in common purpose for the common good — each working from its strength. They expect them to just get on with the job.

That is why the government is determined to put relations with provinces and territories on a more constructive footing.

STRENGTHENING CANADA'S SOCIAL FOUNDATIONS

Changing the way things work in government will help all Canadians to achieve their goals, starting with strengthening Canada's social foundations.

That means ensuring that all Canadians have the opportunity to develop and use skills and knowledge to their fullest. It means removing barriers to opportunity. It means building on the fundamental fairness of Canadians. Because our enormous good fortune demands nothing less.

This philosophy is given concrete expression in our system of universal health care; in social programs that seek to level the playing field for everyone; in programs to provide our seniors with income assistance and care when needed; in our openness to immigrants and refugees and abhorrence of racism; in our commitment to gender equality; in measures to better the opportunities for Aboriginal Canadians.

[English]

PARTNERSHIP FOR A HEALTHY CANADA

The Government's commitment to health care rests on one fundamental tenet: that every Canadian have timely access to quality care, regardless of income or geography — access when they need it.

The Government is committed to this goal: universal, high-quality, publicly funded health care, consistent with the principles of medicare, as set out in the Canada Health Act.

The length of waiting times for the most important diagnoses and treatments is a litmus test of our health care system. These waiting times must be reduced.

This will require fundamental reform and improvement in the facilities and procedures of the entire health care system.

But there is much we can do right now.

The Prime Minister announced on Friday that the Government of Canada has determined that, without going into deficit, it will now be able to provide a further \$2 billion health-care transfer to the provinces and territories this year. Funds to help reduce waiting times; to improve access to diagnostic services; to provide for more doctors and more nurses.

Looking forward, the Government will work with its provincial and territorial partners on the necessary reforms and long-term sustainability of the health system. And it will support the Health Council in the development of information on which waiting-time objectives can be set, and by which Canadians can judge progress toward them.

Canadians also want to be protected from emerging threats to their health, from global epidemics to contaminated water. Safeguarding the health of Canadians is a top priority of this Government.

The shock of SARS demonstrated vividly our vulnerability to infectious diseases that may be incubated anywhere on earth.

Diseases such as SARS and the recent avian flu pose threats which increased global mobility can only make worse.

The Government will therefore take the lead in establishing a strong and responsive public health system, starting with a new Canada Public Health Agency that will ensure that Canada is linked, both nationally and globally, in a network for disease control and emergency response.

The Government will also appoint a new Chief Public Health Officer for Canada — and undertake a much-needed overhaul of federal health protection through a Canada Health Protection Act.

Strengthening our social foundations also means improving the overall health of Canadians — starting with health promotion to help reduce the incidence of avoidable disease. The Government will work with all of its partners to that end, following the age-old prescription that prevention is the best cure.

CARING FOR OUR CHILDREN

The future of our children is, quite literally, Canada's future.

Science teaches that the early years can shape — or limit — one's future, that early and effective intervention can have enduring benefits.

Governments are not parents, but they do have a role to play in helping to make sure that families get the supports and tools that they need and in protecting children from exploitation and abuse.

We must ensure that every child gets the best possible start in life; that all of Canada's children enter school ready to learn; that we protect their health, their happiness, and their freedom to grow in mind and in body without fear. These are the foundations of healthy early childhood development.

That is the goal. And there are important steps we can take now — down payments on an enduring commitment.

First, in co-operation with the provinces and territories, the Government will accelerate initiatives under the existing Multilateral Framework for Early Learning and Child Care, which means more quality child care more quickly.

Second, to help communities identify children whose readiness to learn is at risk, the Government will extend its successful community pilot project, Understanding the Early Years, to at least 100 communities. Communities themselves can do much for their children with the right knowledge and tools.

Third, the Government will do more to ensure the safety of children through a strategy to counter sexual exploitation of children on the Internet and by reinstating child protection legislation.

[Translation]

CREATING OPPORTUNITY FOR CANADIANS WITH DISABILITIES

Many Canadians with disabilities are ready to contribute but confront difficult obstacles in the workplace and in their communities. And too often, families are left on their own to care for a severely disabled relative. Here too, the Government of Canada has a role.

We want a Canada in which citizens with disabilities have the opportunity to contribute to and benefit from Canada's prosperity, as learners, workers, volunteers, and family members.

Canada cannot afford to squander the talents of people with disabilities or turn its back on those who seek to provide care and a life of dignity for family members with severe disabilities.

The government will start by working with the provinces and territories to fill the gaps in education and skills development and in workplace supports and workplace accommodation for people with disabilities.

It will lead by example in supporting the hiring, accommodation and retention of Canadians with disabilities in the Government of Canada — the nation's largest employer — and in federally regulated industries.

The government will also improve the fairness of the tax system for people with disabilities, and their supporting families, based on the findings of the Advisory Committee on Tax Measures, which will report this fall, and will implement early actions in areas of priority.

[English]

ABORIGINAL CANADIANS

Aboriginal Canadians have not fully shared in our nation's good fortune. While some progress has been made, the conditions in far too many Aboriginal communities can only be described as shameful. This offends our values. It is in our collective interest to turn the corner. And we must start now.

Our goal is to see Aboriginal children get a better start in life as a foundation for greater progress in acquiring the education and work-force skills needed to succeed.

Our goal is to see real economic opportunities for Aboriginal individuals and communities.

To see Aboriginal Canadians participating fully in national life, on the basis of historic rights and agreements — with greater economic self-reliance, a better quality of life.

The Government of Canada will work with First Nations to improve governance in their communities — to enhance transparency and accountability — because this is the prerequisite to effective self-government and economic development. Aboriginal leadership is committed to this end and rapid progress is essential.

In order to support governance capacity in Aboriginal communities and to enhance effective dialogue, the Government will, in co-operation with First Nations, establish an independent Centre for First Nations Government.

The Government will also focus on education and skills development, because this is a prerequisite to individual opportunity and full participation. To pursue this goal, the Government will work with provinces and territories and Aboriginal partners in a renewed Aboriginal Human Resources Development Strategy.

Too often, the needs of Aboriginal people off reserve are caught up in jurisdictional wrangling. These issues cannot deter us. The Government of Canada will work with its partners on practical solutions to help Aboriginal people respond to the unique challenges they face. To this end, the Government will expand the successful Urban Aboriginal Strategy with willing provinces and municipalities.

The Government will also engage other levels of government and Métis leadership on the place of the Métis in its policies.

The Government is committed to a more coherent approach to Aboriginal issues. To focus this effort, it has established a new Cabinet Committee on Aboriginal Affairs, chaired by the Prime Minister; a Parliamentary Secretary; and an Aboriginal Affairs Secretariat in the Privy Council Office.

GREAT PLACES TO LIVE — A NEW DEAL FOR COMMUNITIES

Our communities, our towns, our cities are key to our social goals and our economic competitiveness. Large and small, rural and urban, Canada's communities are facing new challenges, often without sufficient resources or the tools they need.

Canada depends on communities that can attract the best talent and compete for investment as vibrant centres of commerce, learning, and culture. We want communities that provide affordable housing, good transit, quality health care, excellent schools, safe neighbourhoods, and abundant green spaces.

To this end, the Government of Canada is committed to a new deal for Canada's municipalities.

A new deal that targets the infrastructure needed to support quality of life and sustainable growth.

A new deal that helps our communities become more dynamic, more culturally rich, more cohesive, and partners in strengthening Canada's social foundations.

A new deal that delivers reliable, predictable and long-term funding.

Therefore, the Government will work with provinces to share with municipalities a portion of gas tax revenues or to determine other fiscal mechanisms which achieve the same goals.

This will take time and the agreement of other governments. But the Government of Canada is prepared now, as a down payment, to act in its own jurisdiction by providing all municipalities with full relief from the portion of the Goods and Services Tax they now pay.

Over the next decade, this will provide Canada's municipalities with approximately \$7 billion of stable new funding to help meet critical priorities.

The Government will also move to quickly commit funds within our existing infrastructure programs, so that our partners can plan properly.

Together, these are real and ongoing investments in urban transit, affordable housing, clean water, and good roads. Canada's municipalities asked for this. The Government has acted.

Canada's municipalities can play a crucial role in helping the Government meet its national priorities — for the integration of immigrants, for opportunities for Aboriginal Canadians living in urban centres, for tackling homelessness, and for emergency preparedness and response. The new deal means that city hall has a real seat at the table of national change.

[Translation]

And the government will help communities to help themselves.

One of the best ways to do this is to get behind the remarkable people who are applying entrepreneurial skills, not for profit, but rather to enhance the social and environmental conditions in our communities right across Canada.

These new approaches to community development — sometimes referred to as the "social economy" — are producing more and more success stories about a turnaround in individual lives and distressed neighbourhoods — communities working to combat homelessness, address poverty and clean up the environment.

The Government of Canada wants to support those engaged in this entrepreneurial social movement. It will increase their access to resources and tools. The government will, for example, work to widen the scope of programs currently available to small and medium-sized enterprises to include social enterprises.

The voluntary sector and the millions of Canadian volunteers are essential contributors to the quality, fairness and vitality of our communities. The government will continue to advance the Voluntary Sector Initiative, to strengthen the capacity and voice of philanthropic and charitable organizations and to mobilize volunteers.

Another defining characteristic of our communities and of our reputation around the world is the vitality and excellence of our cultural life. Canada's artists and cultural enterprises are among our best ambassadors, as well as being an increasingly dynamic element of the knowledge economy. Their work holds a mirror on our society and builds a legacy for future generations.

The government will work with parliamentarians to modernize our arts and culture policies and federal cultural institutions to bring to bear the new technological possibilities of the digital age and to reflect Canada's regional diversity and multiculturalism.

Linguistic duality is at the heart of our identity. It is our image in the world. It opens doors for us.

The government will nurture this asset, which benefits all Canadians. It will ensure that minority language communities have the tools that enable their members to fully contribute to the development of Canadian society.

BUILDING A 21ST CENTURY ECONOMY

A strong economy, built to succeed in the 21st century, is the pre-condition to fulfilling our aspirations, as a nation and as individuals.

A nation's social and economic goals are inseparable. A stronger economy requires stronger social foundations. And if we want to build a fairer, more equitable society, we need a stronger economy.

Where do we want to be a decade from now?

We want a Canada that is a world leader in developing and applying the pathbreaking technologies of the 21st century — biotechnology, environmental technology, information and communications technologies, health technologies, and nanotechnology. Applying these capabilities to all sectors to build globally competitive firms, from start-ups to multinationals. And creating high-quality jobs that will meet the ambitions of young Canadians — and keep them in this country, working to build an even greater Canada.

We foresee a Canada that is a magnet for capital and entrepreneurs from around the world.

A Canada where the increasing number of women entrepreneurs have every opportunity to succeed and contribute a vital new dimension to our economy.

A Canada built on innovation with world-class research universities, smart regulation and innovative financing, all combining to make Canada a global leader in the commercialization of bright ideas.

A Canada where the benefits of the 21st century economy are being reaped from coast to coast to coast — on our farms, in our fishing, forest, and mining industries, and in our rural communities where modern communications are helping to surmount the barrier of distance.

This will be achieved primarily through the efforts of Canadians themselves. But government has an essential enabling role.

A sound macroeconomic environment is fundamental. To ensure that the hard-won gains of the past decade are never squandered, the Government of Canada is unalterably committed to fiscal prudence, as evidenced by annual balanced budgets and steady reduction in the debt relative to the size of the economy. This government will not spend itself into deficit.

Canada is a trading nation. And a 21st century economy is an economy open to the world. Canadian goods, services, capital, people, and knowledge must be able to reach international markets.

There are growing opportunities for Canadian exporters and investors to complement our enormously successful relationship with the United States by building closer economic ties with other regions of the world. In particular, more attention will be focused on such newly emerging economic giants as China, India, and Brazil.

[English]

LIFELONG LEARNING

Investing in people will be Canada's most important economic investment.

The Government's goal is to ensure that a lack of financial resources will not be allowed to deny, to those with the motivation and capacity, the opportunity to learn and aspire to excellence in pursuing a skilled trade, a community college diploma, or university degree.

To advance this objective, the Government of Canada will work with provinces and territories to modernize the Canada Student Loans Program to help overcome financial barriers to post-secondary education and training. It will update and improve grants and loans to increase access for middle- and low-income families and their children and to reflect the rising cost of education.

Loan limits will be increased, in recognition of the rising cost of education.

Eligible expenses will be broadened to include the new essentials, such as computers.

Family income thresholds will be raised to improve access for middle income families, squeezed by rising costs.

Measures will be taken to improve loan terms for part-time students.

But the answer to improved access must go beyond simply more generous loans, because a growing debt load poses its own limits, both psychologically and financially.

The Government will therefore provide a new grant for low-income students, to cover a portion of the tuition cost of the first year of post-secondary education.

More is also needed to encourage greater savings by families for their children's education, starting from the earliest years of life. The Registered Education Savings Plan and associated savings grant have been extraordinarily successful stimulants, but participation by lower income families — often those who could most benefit — has been disappointingly low. The Government will therefore create new incentives that truly work to encourage low-income families to begin investing, right from the birth of their children, for their long-term education.

To meet the challenges of the new economy, Canada's workers must have the opportunity to upgrade their skills, to improve their literacy, to learn on the job, to move onto the path of lifelong learning.

The Government will therefore refine and enhance its programs to encourage skills upgrading, in concert with sector councils, unions, and business.

The Government will also work with provinces to update labour market programming to better reflect the realities of work in the 21st century, such as the growth of self-employment and the need for continuous upgrading of skills.

We will also deepen the pool of Canada's talent and skills by ensuring more successful integration of new immigrants into the economy and into communities. Immigrants have helped to build Canada from its inception and will be key to our future prosperity. The Government will do its part to ensure speedier recognition of foreign credentials and prior work experience. It will also implement measures to inform prospective immigrants and encourage the acquisition of necessary credentials before they arrive in Canada.

SCIENCE AND TECHNOLOGY

Canadian entrepreneurs have made great strides in building the innovative, technology-enabled economy needed to succeed in the years ahead. The Government of Canada has helped lay the foundation for even greater success with very substantial investments in basic research — \$13 billion since 1997.

These investments are ensuring a continued flow of basic knowledge and highly trained people on which our future economic success depends.

Now we must do much more to ensure that our knowledge investment is converted to commercial success. We need to do more to get our ideas and innovations out of our minds and into the marketplace.

Our small, innovative firms face two key obstacles — access to adequate early-stage financing; and the capacity to conduct the research and development needed to commercialize their ideas and really grow their business.

The Government will help to overcome these obstacles — building, for example, on the venture financing capabilities of the Business Development Bank.

The Government will create access to capital for the commercialization of science in areas where we can be among the world leaders — in environment, in health, in biotechnology, and in nanotechnology.

The Government will also build on the experience and nationwide reach of the National Research Council to help small firms bridge the commercialization gap by providing the research and expertise that small business cannot develop on its own.

To help integrate and focus these efforts, Canada's new National Science Advisor will re-engage universities, colleges, and enterprise in a truly national science agenda.

REGIONAL AND RURAL DEVELOPMENT

The 21st century economy promises opportunity for all parts of Canada. The objective of the Government is to ensure that every region of the country has the opportunity to move forward, socially and economically, on a rising tide of progress. As we share opportunity, so too will we share prosperity.

[Translation]

The government therefore remains committed to supporting economic development through the regional agencies where the focus must be on strengthening the sinews of an economy for the 21st century, building on indigenous strength.

The government will place increased emphasis on opportunities to add greater value to natural resources through application of advanced technology and knowhow; on opportunities to develop Canada's energy resources and be a leader in environmental stewardship; and on opportunities to maximize the potential of our vast coastal and offshore areas through a new Oceans Action Plan.

It will develop a northern strategy, ensuring that economic development related to energy and mining is brought on stream in partnership with northern Canadians, based on stewardship of our most fragile northern ecosystems.

The government is dedicated to Canada's farm economy and to taking the steps necessary to safeguard access to international markets and to ensure that farmers are not left to bear alone the consequences of circumstances beyond their control. It is also committed to fostering a technologically advanced agricultural sector with the supporting infrastructure of transportation and applied science to make the competitiveness of Canadian farmers and the safety of our food second to none in world markets.

[English]

SUSTAINABLE DEVELOPMENT

Safeguarding our natural environment — in the here and now, and for generations to come — is one of the great responsibilities of citizens and governments in the 21st century.

The tide of global population and the imperatives of economic development — no longer restricted to the small minority of rich countries — make sustainable development a challenge of national and global magnitude.

Canadians, as stewards of vast geography and abundant resources, feel a keen sense of responsibility to help the world meet the environmental challenge.

And in so doing, to show how this challenge can be turned to advantage through leadership in "green technologies"; through more energy-efficient transportation and housing; and through non-polluting industrial processes. All of which will stimulate innovation, new market opportunities, and cleaner communities.

This spirit will animate Canada's approach to climate change.

Halting the increasingly damaging impact of human activity on climate is a project of global scale and decades duration.

The Government of Canada will respect its commitments to the Kyoto accord on climate change in a way that produces long-term and enduring results while maintaining a strong and growing economy. It will do so by developing an equitable national plan, in partnership with provincial and territorial governments and other stakeholders.

We have begun, and we will persevere. And we will go beyond Kyoto to strengthen our environmental stewardship.

First, the Government will begin by putting its own house in order. It will undertake a 10-year, \$3.5 billion program to clean up contaminated sites for which the Government is responsible. And the Government of Canada will augment

this with a \$500 million program of similar duration to do its part in the remediation of certain other sites, notably the Sydney tar ponds.

Second, the Government will intensify its commitment to clean air and clean water. We will engage the United States on trans-boundary issues and the provinces to achieve more stringent national guidelines on air and water quality. And we are committing the resources needed to ensure safe drinking water in First Nations' communities.

Third, building on recommendations of the National Roundtable on the Environment and the Economy, the Government will start incorporating key indicators on clean water, clean air, and emissions reduction into its decision making.

Fourth, the Government will increase the resources to support innovative environmental technologies and further encourage their commercialization.

Fifth, we will engage Canadians directly. Our One Tonne Challenge aims to raise awareness and provide Canadians with information on how their individual consumption choices contribute to the emissions that drive climate change. The objective — the challenge — is to reduce emissions by 1,000 kilograms per person, per year. Because environmental stewardship must be everybody's responsibility.

[Translation]

CANADA'S ROLE IN THE WORLD

Canadians are uniquely positioned for the new global realities — open to the world, comfortable with the interdependence of nations, aware of our global responsibilities.

Canadians want their country to play a distinctive and independent role in making the world more secure, more peaceful, more co-operative, more open. They want to see Canada's place of pride and influence in the world restored.

What kind of world do we want to see a decade from now?

We want to see the benefits of global interdependence spread more fairly throughout the world.

We want agreement on new rules governing international actions when a government fails to protect its own people from tyranny and oppression.

We want to see multilateral institutions that work. No one nation can manage the consequences of global interdependence on its own.

We want to see greater collaboration among nations to ensure that economic policies go hand in hand with stronger social programs to alleviate hunger, poverty, and disease, and to help to raise the standards of living in developing countries.

Canada can contribute to achieving these goals.

We can play a distinctive role based on our values — the rule of law, liberty, democracy, equality of opportunity, and fairness. As others have said: the world needs more Canada.

Canada can make a difference and we can more than carry our weight. We need to work better, to work smarter, in diplomacy, in development, in defence and in international trade — all of which have become profoundly interdependent and are increasingly touching Canadians in their daily lives.

To guide us forward in this, the government has launched an integrated review of its international policies — the first such review in a decade of change.

The review will be completed this autumn and then considered by a parliamentary committee, where Canadians will have the opportunity to make their views known.

Some things, however, need not wait for the review — because they are urgently needed, or because the right course of action is already clear.

There is a moral imperative to do all we can to make medical treatment accessible to the untold millions suffering from deadly infectious diseases, notably HIV-AIDS, particularly in the poorest countries of Africa. The Government of Canada will therefore proceed with legislation to enable the provision of generic drugs to developing countries.

Canada's obligation does not stop there. We are a knowledge-rich country. We must apply more of our research and science to help address the most pressing problems of developing countries.

The Government will continue its leadership in the creation of a new international instrument on cultural diversity, participate actively in la Francophonie, and promote and disseminate our cultural products and works around the world.

[English]

And in 2010, the eyes of the world will be on Canada as Vancouver and Whistler host the Winter Olympics, an opportunity to inspire Canadian pride and achievement — and an opportunity to reinforce participation in sport by Canadians, at the highest level and in our communities.

Our foreign policy objectives require a meaningful capacity to contribute militarily in support of collective efforts to safeguard international peace and security. Our men and women in uniform put their lives on the line for us when they participate in operations abroad — as we were reminded tragically only last week. All Canadians support them and their families. We must ensure that they have the equipment and training to do the job.

To this end, the Government will make immediate investments in key capital equipment, such as new armoured vehicles and replacements for the Sea King helicopters.

There is no role more fundamental for government than the protection of its citizens.

That is why the Government has already established the Department of Public Safety and Emergency Preparedness and appointed a National Security Advisor to the Prime Minister. It has also established the Cabinet Committee on Security, Public Health and Emergencies and the new Canada Border Services Agency.

Given the responsibility to address new threats, such as non-state terrorism, and to ensure effective emergency management, the Government will develop, with its domestic partners, Canada's first national security policy. This will publicly set forth the principles that will guide the Government's actions and serve as a blueprint for effectively securing Canada in a way that strengthens the open nature of our society.

Canada and the United States are connected not only by the shared geography of North America and by hugely beneficial trade and investment flows — the largest bilateral economic relationship in the world — but also by ties of friendship and family, by commonly held democratic values, and by shared interests and responsibilities.

The Government is therefore committed to a new, more sophisticated approach to this unique relationship.

To ensure a border that is open and effective in handling the volumes of people, goods, and services flowing to and from our economies, the security concerns of both sides must be respected.

Building on the success of the Smart Borders initiative, the Government will engage with the United States to further strengthen North American security while facilitating the flow of commerce and travellers. It will also work toward infrastructure investments at key trade corridors to ensure that we can facilitate the expanding trade between our countries.

CONCLUSION

Canada and Canadians are confidently positioned to achieve great things in the years ahead.

We have set out measured steps consistent with our means. An ambitious agenda for an ambitious country.

[Translation]

Members of the House of Commons:

You will be asked to appropriate the funds required to carry out the services and expenditures authorized by Parliament.

[English]

Honourable Members of the Senate and

Members of the House of Commons:

As you carry out your duties and exercise your responsibilities, may you be guided by Divine Providence.

The House of Commons withdrew.

Her Excellency the Governor General was pleased to retire.

The sitting of the Senate was resumed.

RAILWAYS BILL

FIRST READING

Hon. Bill Rompkey (Deputy Leader of the Government) presented Bill S-1, relating to railways.

Bill read first time.

SPEECH FROM THE THRONE

CONSIDERATION AT NEXT SITTING

The Hon. the Speaker: Honourable senators, I have the honour to inform you that Her Excellency the Governor General has caused to be placed in my hands a copy of her Speech delivered this day from the Throne to the two Houses of Parliament. It is as follows —

Hon. Senators: Dispense.

The Hon. the Speaker: Honourable senators, when shall this speech be taken into consideration?

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I move:

That the Speech of Her Excellency the Governor General delivered this day from the Throne to the two Houses of Parliament be taken into consideration at the next sitting.

Motion agreed to.

COMMITTEE OF SELECTION**MOTION FOR APPOINTMENT ADOPTED**

Hon. Bill Rompkey (Deputy Leader of the Government) moved:

That, pursuant to rule 85(1), the Honourable Senators Bacon, Carstairs, Fairbairn, Kinsella, LeBreton, Losier-Cool, Rompkey, Stratton and Tkachuk be appointed a Committee of Selection to nominate (a) a Senator to preside as Speaker *pro tempore* and (b) the Senators to serve on the several select committees during the present Session; and to report with all convenient speed the names of the Senators so nominated.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Marcel Prud'homme: Honourable senators, I know this is a debatable and votable motion. I have spoken to such matters in the past. I will not do so today. I will wait for the report and review it closely, along with a number of other independents.

Motion agreed to.

The Senate adjourned until tomorrow at 2 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

The Honourable Daniel P. Hays

THE LEADER OF THE GOVERNMENT

The Honourable Jack Austin, P.C.

THE LEADER OF THE OPPOSITION

The Honourable John Lynch-Staunton

OFFICERS OF THE SENATE

CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS

Paul Bélisle

DEPUTY CLERK, PRINCIPAL CLERK, LEGISLATIVE SERVICES

Gary O'Brien

LAW CLERK AND PARLIAMENTARY COUNSEL

Mark Audcent

USHER OF THE BLACK ROD

Terrance J. Christopher

THE MINISTRY

According to Precedence

(February 2, 2004)

The Right Hon. Paul Martin	Prime Minister
The Hon. Jacob Austin	Leader of the Government in the Senate
The Hon. David Anderson	Minister of the Environment
The Hon. Ralph E. Goodale	Minister of Finance
The Hon. Anne McLellan	Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness
The Hon. Lucienne Robillard	Minister of Industry and Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec
The Hon. Pierre S. Pettigrew	Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages
The Hon. James Scott Peterson	Minister of International Trade
The Hon. Andrew Mitchell	Minister of Indian Affairs and Northern Development
The Hon. Claudette Bradshaw	Minister of Labour and Minister responsible for Homelessness
The Hon. Denis Coderre	President of the Queen's Privy Council for Canada, Federal Interlocutor for Métis and Non-Status Indians, Minister responsible for La Francophonie, and Minister responsible for the Office of Indian Residential Schools Resolution
The Hon. Rey D. Pagtakhan	Minister of Western Economic Diversification
The Hon. John McCallum	Minister of Veterans Affairs
The Hon. Stephen Owen	Minister of Public Works and Government Services
The Hon. William Graham	Minister of Foreign Affairs
The Hon. Stan Kazmierczak Keyes	Minister of National Revenue and Minister of State (Sport)
The Hon. Robert Speller	Minister of Agriculture and Agri-Food
The Hon. Giuseppe (Joseph) Volpe	Minister of Human Resources and Skills Development
The Hon. Reginald B. Alcock	President of the Treasury Board and Minister responsible for the Canadian Wheat Board
The Hon. Geoff Regan	Minister of Fisheries and Oceans
The Hon. Tony Valeri	Minister of Transport
The Hon. David Pratt	Minister of National Defence
The Hon. Jacques Saada	Leader of the Government in the House of Commons and Minister responsible for Democratic Reform
The Hon. Irwin Cotler	Minister of Justice and Attorney General
The Hon. Judy Sgro	Minister of Citizenship and Immigration
The Hon. Hélène Chalifour Scherrer	Minister of Canadian Heritage
The Hon. Ruben John Efford	Minister of Natural Resources
The Hon. Liza Frulla	Minister of Social Development
The Hon. Ethel Blondin-Andrew	Minister of State (Children and Youth)
The Hon. Andy Scott	Minister of State (Infrastructure)
The Hon. Gar Knutson	Minister of State (New and Emerging Markets)
The Hon. Denis Paradis	Minister of State (Financial Institutions)
The Hon. Jean Augustine	Minister of State (Multiculturalism and Status of Women)
The Hon. Joseph Robert Comuzzi	Minister of State (Federal Economic Development Initiative for Northern Ontario)
The Hon. Albina Guarnieri	Associate Minister of National Defence and Minister of State (Civil Preparedness)
The Hon. Joseph McGuire	Minister of Atlantic Canada Opportunities Agency
The Hon. Mauril Bélanger	Deputy Leader of the Government in the House of Commons
The Hon. Carolyn Bennett	Minister of State (Public Health)
The Hon. Aileen Carroll	Minister for International Cooperation

SENATORS OF CANADA

ACCORDING TO SENIORITY

(February 2, 2004)

Senator	Designation	Post Office Address
THE HONOURABLE		
Herbert O. Sparrow	Saskatchewan	North Battleford, Sask.
Edward M. Lawson	Vancouver	Vancouver, B.C.
Bernard Alasdair Graham, P.C.	The Highlands	Sydney, N.S.
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
C. William Doody	Harbour Main-Bell Island	St. John's, Nfld. & Lab.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa, Ont.
Michael Kirby	South Shore	Halifax, N.S.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto-Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuuaq, Que.
Daniel Phillip Hays, <i>Speaker</i>	Calgary	Calgary, Alta.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Brenda Mary Robertson	Riverview	Shediac, N.B.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.
Eileen Rossiter	Prince Edward Island	Charlottetown, P.E.I.
Mira Spivak	Manitoba	Winnipeg, Man.
Roch Bolduc	Gulf	Sainte-Foy, Que.
Gérald-A. Beaudoin	Rigaud	Hull, Que.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Church Point, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton, N.B.
John Buchanan, P.C.	Nova Scotia	Halifax, N.S.
John Lynch-Staunton	Grandville	Georgeville, Que.
James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie, Ont.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth, N.S.
Janis G. Johnson	Winnipeg-Interlake	Gimli, Man.
A. Raynell Andreychuk	Regina	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton	Ontario	Manotick, Ont.

Senator	Designation	Post Office Address
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Lise Bacon	De la Durantaye	Laval, Que.
Sharon Carstairs, P.C.	Manitoba	Victoria Beach, Man.
Landon Pearson	Ontario	Ottawa, Ont.
Jean-Robert Gauthier	Ottawa-Vanier	Ottawa, Ont.
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	Tracadie	Bathurst, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	Labrador	North West River, Labrador, Nfld. & Lab.
Lorna Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.
Shirley Maheu	Rougemont	Saint-Laurent, Que.
Wilfred P. Moore	Stanhope St. Bluenose	Chester, N.S.
Lucie Pêpin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Marisa Ferretti Barth	Repentigny	Pierrefonds, Que.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Thelma J. Chalifoux	Alberta	Morinville, Alta.
Joan Cook	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
Francis William Mahovich	Toronto	Toronto, Ont.
Richard H. Kroft	Manitoba	Winnipeg, Man.
Douglas James Roche	Edmonton	Edmonton, Alta.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Vivienne Poy	Toronto	Toronto, Ont.
Ione Christensen	Yukon Territory	Whitehorse, Y.T.
George Furey	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Isobel Finnerty	Ontario	Burlington, Ont.
Tommy Banks	Alberta	Edmonton, Alta.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Yves Morin	Lauzon	Quebec, Que.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Laurier L. LaPierre	Ontario	Ottawa, Ont.
Viola Léger	Acadie/New Brunswick	Moncton, N.B.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Jean Lapointe	Saurel	Magog, Que.
Gerard A. Phalen	Nova Scotia	Glace Bay, N.S.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
Michel Biron	Mille Isles	Nicolet, Que.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
Raymond Lavigne	Montarville	Verdun, Que.
David P. Smith, P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Pana Merchant	Saskatchewan	Regina, Sask.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Royal, Que.
Mac Harb	Ontario	Ottawa, Ont.
Madeleine Plamondon	The Laurentides	Shawinigan, Que.
Marilyn Trenholme Counsell	New Brunswick	Sackville, N.B.
Terry M. Mercer	Northeast Halifax	Caribou River, N.S.
Jim Munson	Ontario	Ottawa, Ont.

SENATORS OF CANADA

ALPHABETICAL LIST

(February 2, 2004)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Lib
Andreychuk, A. Raynell	Regina	Regina, Sask.	CPC
Angus, W. David	Alma	Montreal, Que.	CPC
Atkins, Norman K.	Markham	Toronto, Ont.	PC
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.	Lib
Bacon, Lise	De la Durantaye	Laval, Que.	Lib
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Lib
Banks, Tommy	Alberta	Edmonton, Alta.	Lib
Beaudoin, Gérald-A.	Rigaud	Hull, Que.	CPC
Biron, Michel	Mille Isles	Nicolet, Que.	Lib
Bryden, John G.	New Brunswick	Bayfield, N.B.	Lib
Buchanan, John, P.C.	Halifax	Halifax, N.S.	CPC
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Lib
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	CPC
Carstairs, Sharon, P.C.	Manitoba	Victoria Beach, Man.	Lib
Chalifoux, Thelma J.	Alberta	Morinville, Alta.	Lib
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Lib
Christensen, Ione	Yukon Territory	Whitehorse, Y.T.	Lib
Cochrane, Ethel	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.	CPC
Comeau, Gerald J.	Nova Scotia	Church Point, N.S.	CPC
Cook, Joan	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Lib
Cools, Anne C.	Toronto-Centre-York	Toronto, Ont.	Lib
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Lib
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Lib
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Lib
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Lib
Di Nino, Consiglio	Ontario	Downsview, Ont.	CPC
Doody, C. William	Harbour Main-Bell Island	St. John's, Nfld. & Lab.	PC
Downe, Percy	Charlottetown	Charlottetown, P.E.I.	Lib
Eyton, J. Trevor	Ontario	Caledon, Ont.	CPC
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Lib
Ferretti Barth, Marisa	Repentigny	Pierrefonds, Que.	Lib
Finnerty, Isobel	Ontario	Burlington, Ont.	Lib
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Lib
Forrestall, J. Michael	Dartmouth and the Eastern Shore	Dartmouth, N.S.	CPC
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Lib
Furey, George	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Lib
Gauthier, Jean-Robert	Ottawa-Vanier	Ottawa, Ont.	Lib
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Lib
Grafstein, Jerahmiel S.	Metro Toronto	Toronto, Ont.	Lib
Graham, Bernard Alasdair, P.C.	The Highlands	Sydney, N.S.	Lib
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	CPC
Harb, Mac	Ontario	Ottawa, Ont.	Lib
Hays, Daniel Phillip, <i>Speaker</i>	Calgary	Calgary, Alta.	Lib
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Lib
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Lib
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Lib

Senator	Designation	Post Office Address	Political Affiliation
Johnson, Janis G.	Winnipeg-Interlake	Gimli, Man.	CPC
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Lib
Kelleher, James Francis, P.C.	Ontario	Sault Ste. Marie, Ont.	CPC
Kenny, Colin	Rideau	Ottawa, Ont.	Lib
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	CPC
Kinsella, Noël A.	Fredericton-York-Sunbury	Fredericton, N.B.	CPC
Kirby, Michael	South Shore	Halifax, N.S.	Lib
Kroft, Richard H.	Manitoba	Winnipeg, Man.	Lib
LaPierre, Laurier L.	Ontario	Ottawa, Ont.	Lib
Lapointe, Jean	Sauvel	Magog, Que.	Lib
Lavigne, Raymond	Montarville	Verdun, Que.	Lib
Lawson, Edward M.	Vancouver	Vancouver, B.C.	Ind
LeBreton, Marjory	Ontario	Manotick, Ont.	CPC
Léger, Viola	Acadie/New Brunswick	Moncton, N.B.	Lib
Losier-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Lib
Lynch-Staunton, John	Grandville	Georgetown, Que.	CPC
Maheu, Shirley	Rougemont	Saint-Laurent, Que.	Lib
Mahovlich, Francis William	Toronto	Toronto, Ont.	Lib
Massicotte, Paul J.	De Lanaudière	Mont-Royal, Que.	Lib
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	CPC
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Lib
Merchant, Pana	Saskatchewan	Regina, Sask.	Lib
Milne, Lorna	Peel County	Brampton, Ont.	Lib
Moore, Wilfred P.	Stanhope St./Bluenose	Chester, N.S.	Lib
Morin, Yves	Lauson	Quebec, Que.	Lib
Munson, Jim	Ontario	Ottawa, Ont.	Lib
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	PC
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	CPC
Oliver, Donald H.	Nova Scotia	Halifax, N.S.	CPC
Pearson, Landon	Ontario	Ottawa, Ontario	Lib
Pépin, Lucie	Shawinigan	Montreal, Que.	Lib
Phalen, Gerard A.	Nova Scotia	Glace Bay, N.S.	Lib
Pitfield, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Ind
Plamondon, Madeleine	The Laurentides	Shawinigan, Que.	Ind
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Lib
Poy, Vivienne	Toronto	Toronto, Ont.	Lib
Prud'homme, Marcel, P.C.	La Salle	Montreal, Que.	Ind
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Lib
Rivest, Jean-Claude	Stadacona	Quebec, Que.	CPC
Robertson, Brenda Mary	Riverview	Shediac, N.B.	CPC
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Lib
Roche, Douglas James	Edmonton	Edmonton, Alta.	Ind
Rompkey, William H., P.C.	Labrador	North West River, Labrador, Nfld. & Lab.	Lib
Rossiter, Eileen	Prince Edward Island	Charlottetown, P.E.I.	CPC
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	CPC
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Lib
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Lib
Sparrow, Herbert O.	Saskatchewan	North Battleford, Sask.	Lib
Spivak, Mira	Manitoba	Winnipeg, Man.	CPC
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Lib
Stratton, Terrance R.	Red River	St. Norbert, Man.	CPC
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	CPC
Trenholme Counsell, Marilyn	New Brunswick	Sackville, N.B.	Lib
Watt, Charlie	Inkerman	Kuujuaq, Que.	Lib

SENATORS OF CANADA

BY PROVINCE AND TERRITORY

(February 2, 2004)

ONTARIO—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Lowell Murray, P.C.	Pakenham	Ottawa
2 Peter Alan Stollery	Bloor and Yonge	Toronto
3 Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa
4 Jerahmiel S. Grafstein	Metro Toronto	Toronto
5 Anne C. Cools	Toronto-Centre-York	Toronto
6 Colin Kenny	Rideau	Ottawa
7 Norman K. Atkins	Markham	Toronto
8 Consiglio Di Nino	Ontario	Downsview
9 James Francis Kelleher, P.C.	Ontario	Sault Ste. Marie
10 John Trevor Eyton	Ontario	Caledon
11 Wilbert Joseph Keon	Ottawa	Ottawa
12 Michael Arthur Meighen	St. Marys	Toronto
13 Marjory LeBreton	Ontario	Manotick
14 Landon Pearson	Ontario	Ottawa
15 Jean-Robert Gauthier	Ottawa-Vanier	Ottawa
16 Lorna Milne	Peel County	Brampton
17 Marie-P. Poulin	Northern Ontario	Ottawa
18 Francis William Mahovlich	Toronto	Toronto
19 Vivienne Poy	Toronto	Toronto
20 Isobel Finnerty	Ontario	Burlington
21 Laurier L. LaPierre	Ontario	Ottawa
22 David P. Smith, P.C.	Cobourg	Toronto
23 Mac Harb	Ontario	Ottawa
24 Jim Munson	Ontario	Ottawa

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Charlie Watt	Inkerman	Kuujuuaq
2 Pierre De Bané, P.C.	De la Vallière	Montreal
3 Gérard-A. Beaudoin	Rigaud	Hull
4 John Lynch-Staunton	Grandville	Georgeville
5 Jean-Claude Rivest	Stadacona	Quebec
6 Marcel Prud'homme, P.C.	La Salle	Montreal
7 W. David Angus	Alma	Montreal
8 Pierre Claude Nolin	De Salaberry	Quebec
9 Lise Bacon	De la Durantaye	Laval
10 Céline Hervieux-Payette, P.C.	Bedford	Montreal
11 Shirley Maheu	Rougemont	Ville de Saint-Laurent
12 Lucie Pépin	Shawinigan	Montreal
13 Marisa Ferretti Barth	Repentigny	Pierrefonds
14 Serge Joyal, P.C.	Kennebec	Montreal
15 Joan Thorne Fraser	De Lorimier	Montreal
16 Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue
17 Yves Morin	Lauzon	Quebec
18 Jean Lapointe	Sauvel	Magog
19 Michel Biron	Milles Isles	Nicolet
20 Raymond Lavigne	Montarville	Verdun
21 Paul J. Massicotte	De Lanaudière	Mont-Royal
22 Madeleine Plamondon	The Laurentides	Shawinigan
23	
24	

SENATORS BY PROVINCE-MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Bernard Alasdair Graham, P.C.	The Highlands	Sydney
2 Michael Kirby	South Shore	Halifax
3 Gerald J. Comeau	Nova Scotia	Church Point
4 Donald H. Oliver	Nova Scotia	Halifax
5 John Buchanan, P.C.	Halifax	Halifax
6 J. Michael Forrestall	Dartmouth and Eastern Shore	Dartmouth
7 Wilfred P. Moore	Stanhope St./Bluenose	Chester
8 Jane Cordy	Nova Scotia	Dartmouth
9 Gerard A. Phalen	Nova Scotia	Glace Bay
10 Terry M. Mercer	Northend Halifax	Caribou River

NEW BRUNSWICK—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Eymard Georges Corbin	Grand-Sault	Grand-Sault
2 Brenda Mary Robertson	Riverview	Shediac
3 Noël A. Kinsella	Fredericton-York-Sunbury	Fredericton
4 John G. Bryden	New Brunswick	Bayfield
5 Rose-Marie Losier-Cool	Tracadie	Bathurst
6 Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
7 Viola Léger	Acadie/New Brunswick	Moncton
8 Joseph A. Day	Saint John-Kennebecasis	Hampton
9 Pierrette Ringuette	New Brunswick	Edmundston
10 Marilyn Trenholme Counsell	New Brunswick	Sackville

PRINCE EDWARD ISLAND—4

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Eileen Rossiter	Prince Edward Island	Charlottetown
2 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
3 Elizabeth M. Hubley	Prince Edward Island	Kensington
4 Percy Downe	Charlottetown	Charlottetown

SENATORS BY PROVINCE-WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Mira Spivak	Manitoba	Winnipeg
2 Janis G. Johnson	Winnipeg-Interlake	Gimli
3 Terrance R. Stratton	Red River	St. Norbert
4 Sharon Carstairs, P.C.	Manitoba	Victoria Beach
5 Richard H. Kroft	Manitoba	Winnipeg
6 Maria Chaput	Manitoba	Sainte-Anne

BRITISH COLUMBIA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Edward M. Lawson	Vancouver	Vancouver
2 Jack Austin, P.C.	Vancouver South	Vancouver
3 Pat Carney, P.C.	British Columbia	Vancouver
4 Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge
5 Ross Fitzpatrick	Okanagan-Similkameen	Kelowna
6 Mobina S.B. Jaffer	British Columbia	North Vancouver

SASKATCHEWAN—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Herbert O. Sparrow	Saskatchewan	North Battleford
2 A. Raynell Andreychuk	Regina	Regina
3 Leonard J. Gustafson	Saskatchewan	Macoun
4 David Tkachuk	Saskatchewan	Saskatoon
5 Pana Merchant	Saskatchewan	Regina
6

ALBERTA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Daniel Phillip Hays, <i>Speaker</i>	Calgary	Calgary
2 Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
3 Thelma J. Chalifoux	Alberta	Morinville
4 Douglas James Roche	Edmonton	Edmonton
5 Tommy Banks	Alberta	Edmonton
6

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 C. William Doody	Harbour Main-Bell Island	St. John's
2 Ethel Cochrane	Newfoundland and Labrador	Port-au-Port
3 William H. Rompkey, P.C.	Labrador	North West River, Labrador
4 Joan Cook	Newfoundland and Labrador	St. John's
5 George Furey	Newfoundland and Labrador	St. John's
6 George S. Baker, P.C.	Newfoundland and Labrador	Gander

NORTHWEST TERRITORIES—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Nick G. Sibbeston	Northwest Territories	Fort Simpson

NUNAVUT—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Willie Adams	Nunavut	Rankin Inlet

YUKON TERRITORY—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Ione Christensen	Yukon Territory	Whitehorse

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Debates of the Senate

3rd SESSION

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37th PARLIAMENT

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VOLUME 141

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NUMBER 2

OFFICIAL REPORT
(HANSARD)

Tuesday, February 3, 2004



THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Tuesday, February 3, 2004

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in our gallery of a special guest, Her Excellency Jajat Al-Hajjaj, Chairperson of the Fifty-ninth Commission on Human Rights and Ambassador of Libya to Geneva. She is accompanied by His Excellency Ali Aujali, Ambassador of Libya to Canada.

On behalf of honourable senators, welcome.

Hon. Senators: Hear, hear!

THE HONOURABLE TERRY M. MERCER THE HONOURABLE JIM MUNSON

WELCOME TO THE SENATE

The Hon. the Speaker: Honourable senators, yesterday, two new senators were introduced: Senator Mercer and Senator Munson. As is our tradition, I now recognize the Leader of the Government in the Senate for purposes of welcoming our new colleagues.

Hon. Jack Austin (Leader of the Government): Honourable senators, it is my pleasure to introduce two new colleagues, the Honourable Terry Mercer and the Honourable Jim Munson.

Senator Mercer has held the positions of Executive Director of the Metro Toronto branch of the Canadian Diabetes Association and Vice-President and Director of Financial Development for the YMCA of Greater Toronto. He has also served in various capacities with the Nova Scotia Lung Association, the St. John Ambulance Nova Scotia Council and the Nova Scotia branch of the Kidney Foundation of Canada.

As Senator Mercer recently became Chair-elect of the Association of Fundraising Professionals Foundation for Philanthropy in Canada, we expect his interest and expertise in charitable and philanthropic organizations to be a valuable contribution to the Senate of Canada.

Senator Mercer has always been very active working for the Liberal Party of Canada, having worked closely with our former Prime Minister for over two decades, and he recently agreed to sit on the campaign team in Nova Scotia for any potential upcoming federal election. Senator Mercer has also been an advocate of the benefits of his home province as a centre of excellence and a region well-suited for further business development. During his time in the Senate, he will be intent on promoting another interest of his, that of using education as a tool to break the cycle of poverty.

Senator Mercer, as many of my colleagues will know, has served as National Director of the Liberal Party of Canada for eight years. We have had here in the Senate predecessors in that same role — Senator Keith Davey had served in that position, while Senators Marjory LeBreton and Norman Atkins have served in similarly important positions for the Conservative Party. We can conclude, therefore, that Senator Mercer's presence here is based on a background that promises a contribution to public life of a very high order.

Senator Mercer comes to us with deep experience in the important role of political parties in Canadian democracy. We will be dealing with issues that challenge parliamentarians to make this institution more relevant to Canadians and we look forward to the valuable experience Senator Mercer brings us.

The Honourable Jim Munson has earned a national reputation for his work as a journalist and has covered many stories of international profile such as the Iran-Iraq and the Gulf wars. Senator Munson also served as CTV Bureau Chief in Beijing as well as Bureau Chief and senior correspondent in Halifax and in London, England.

Senator Munson has twice been nominated for a Gemini award for his outstanding work in journalism — and, no, Senator Munson, I will not mention your famous relationship with former Prime Minister Trudeau.

Senator Munson is a quick-witted and gutsy guy. The story I will now tell honourable senators took place in Beijing in 1989, during the Tiananmen Square incident. Senator Munson was in Tiananmen Square but knew that if he were challenged for credentials, he would be removed because he was a member of the international press corps. He was challenged and then produced, as proof of his identity, an American Express card. He pointed to the Roman soldier's face in the upper corner of the card. The Chinese soldier promptly saluted and handed back the card.

Senator Munson's professional experience in journalism and with political parties is essential as a basis for Canadian democracy. We may, perhaps, find in Senator Munson a leading spokesman for the Senate in the coming debates on democratic reform.

Honourable senators, I should like to extend my good wishes to Senators Mercer and Munson. All of us here hope that this will be a very productive period for you and for Canada.

Hon. Senators: Hear, hear!

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I am pleased today to join with the Leader of the Government in welcoming our two new colleagues. While I note that they have, as has been pointed out, varied backgrounds — one in journalism, the other in philanthropy — both appointments follow in a long tradition of Prime Ministers naming associates who worked closely with them, diligently and loyally.

While many will instinctively question the validity of such appointments, I disagree. One of the advantages — and there are many — of an appointed Senate is the ability to attract men and women from all walks of life, not the least valuable to this place being those who have been intimately associated with government at the prime ministerial level. Such experience is unique, and that gained by Senators Mercer and Munson will, I am certain, continue in the same tradition to be of benefit to us all.

[Translation]

Therefore, it is with great pleasure that I welcome them to this chamber and offer them my best wishes for success in their new responsibilities.

• (1410)

[English]

Hon. Wilfred P. Moore: Honourable senators, I rise today to extend sincere congratulations to Senators Terry M. Mercer and Jim Munson upon their appointment to this august chamber and to extend a hearty welcome to each of them.

With your indulgence, honourable senators, I wish to say a few words about Senator Mercer, who has been a friend of mine for over 30 years. It is a special treat for me to be able to welcome a fellow Santamarian to the Red Chamber. Terry's career has been one of success and excellence. Our professional relationship began in 1983 when I served as president of the Liberal Party of Nova Scotia. Terry was our energetic and efficient executive director. Prior to that, he was executive assistant to the colourful Walter Fitzgerald, Minister of Labour and Housing.

From 1987 to 1993, Terry was vice-president and director of financial development for the YMCA of Greater Toronto. That responsibility having been successfully discharged, for the next two years he was executive director of the Metro Toronto branch of the Canadian Diabetes Association.

In 1995, Terry was appointed national director of the Liberal Party of Canada, a post which he held with distinction until his appointment to the Senate on November 7, 2003, by our recent Prime Minister, the Right Honourable Jean Chrétien.

As mentioned by our leader, Terry has been an active member of the Association of Fundraising Professionals. His talents were recognized by his peers when he was recently named Chairman-elect of the Association of Fundraising Professionals for Philanthropy in Canada.

At the same time that he fulfilled his career tasks, Terry also made time to serve as a volunteer with numerous community organizations, most notably as a director of the Kidney Foundation of Canada, the CFB Curling Club and the Halifax Police Boys and Girls Club. A devote Roman Catholic, Terry has been an active member of St. Joseph's parish and a parish councillor at St. Lawrence Church, both in Halifax.

Two weeks ago today, Terry Mercer's father, Robert G. — Bob — Mercer, passed away suddenly of a heart attack at 85 years of age. Bob Mercer served his country in the Royal Canadian Navy in World War II. Upon his return home, he worked as an engineer at the Halifax dockyard for 32 years. He never missed a day of work.

It is that work ethic and that sense of dedicated service that Bob and his loving wife of 65 years, Bessie, instilled in their children. That integrity and work ethic are the most valuable attributes that Terry Mercer brings to this chamber.

The Mercer family have long been active supporters of the Liberal Party. Bob Mercer lived to see one of his children appointed to the Senate of Canada. What a joy that must have been for him. I believe that Bob Mercer is all smiles as he views today's proceedings from the best seat in the house. In conclusion, I am confident that Terry Mercer will be a collegial and steadfast member of the Senate. I wish him the best of health and success in the discharge of his new responsibilities.

Hon. Senators: Hear, hear!

SENATORS' STATEMENTS

TRIBUTES

THE HONOURABLE JACK WIEBE

The Hon. the Speaker: Honourable senators, I have received a letter from Senator Austin, Leader of the Government in the Senate, pursuant to rule 22(10) of our rules wherein he requests that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Senator Wiebe, who has retired from the Senate as of January 31, 2004.

Hon. Jack Austin (Leader of the Government): Honourable senators, I shall offer some comments on the retirement of Senator Jack Wiebe, who advised that he wished to retire effective January 31 of this year.

Senator Wiebe spent four decades in public life as a member of the legislative assembly in Saskatchewan, as Liberal house leader there and as Lieutenant Governor of Saskatchewan. Parenthetically, my understanding is that he is the first Lieutenant-Governor to be appointed to the Senate of Canada. At the time, it precipitated a great deal of activity looking for similar precedents. Fortunately, no precedent was found to impede the appointment of a Lieutenant-Governor to the Senate.

During his time in the Senate, Senator Wiebe was an active participant in the Standing Senate Committee on Agriculture and Forestry. He is a farmer in Saskatchewan and, as such, gave voice to the views of the agricultural community here in the Senate. He had long been a leader in the farm community in Saskatchewan as owner and president of L & W Feeders Limited, in addition to serving on many farming cooperatives and associations.

As one of the largest hog producers in Saskatchewan, his interest in agriculture provided the opportunity to visit China with former Senator Whelan when he was Minister of Agriculture.

I also wish to mention the very stalwart contribution that Senator Wiebe made to the Standing Senate Committee on National Security and Defence as a result of his extensive background and lifelong interest in military affairs.

Senator Wiebe advised me that he and his wife had discussed their lifestyle and that the result was a family decision to have him step back far more actively into family life and away from the Senate. Nevertheless, he told me that his three years here were amongst the most satisfying that he ever had in public life.

We wish Senator Wiebe and his wife, Ann, much happiness and health in the rest of their lives. He is not going to retire. I am sure we will hear from him again. In the meantime, he is back amongst his friends in Swift Current.

Hon. Senators: Hear, hear!

Hon. Donald H. Oliver: Honourable senators, I am pleased to join the tributes to a distinguished senator, the Honourable Senator Jack Wiebe. He will indeed be missed.

I had the opportunity to work with Senator Wiebe on the Standing Senate Committee on Agriculture and Forestry. He brought to his task a great deal of experience, insight and wisdom. Yes, he had that partisan streak in him that manifested itself particularly when sparring on the committee floor with Senator Tkachuk, but the other side of Senator Wiebe was when he was our own philosopher-king. It was Jack upon whom we could rely to ask the long-range, public-policy, philosophical questions that dealt with the agricultural framework that we needed to ensure a healthy future for our farms and agri-food products.

Jack was instrumental in helping our committee produce a landmark report on climate change. That report has been so well received that the committee clerk, Keli Hogan, wrote this recently to the committee:

We are currently on our third reprint as we recently received a request from the Department of Natural Resources for 607 English and 145 French copies. To date, we have sent out over 1,045 English and 290 French copies of the Report.

In a private note that Jack sent to me dated January 28, he indicated that he was leaving early. We decided to recognize the fact that Jack had a great mind for the issues of the day. His last handwritten sentence in his note to me reads as follows: "It is a great committee. It will now be up to you to ask the tough questions."

Jack will certainly be missed here in the Senate.

Hon. Sharon Carstairs: Honourable senators, it is with a great pleasure, mixed with a great deal of sadness, that I pay tribute to the Honourable Jack Wiebe. Jack has served his country well in

many capacities. Best known are his work as member of this chamber, as Lieutenant Governor of the great province of Saskatchewan and as a member of the Saskatchewan legislature.

Jack has lived the true meaning of public service. He has given of himself and, yes, of his family to do his part to ensure the strength and stability of our great country. His knowledge of agriculture ensured that ideas of concern, particularly to Saskatchewan farmers, were well represented, including the importance of the Wheat Board to this country. However, it is Jack's personality that we will remember the best. His warmth and generosity were well known. His love of his family — his beloved wife, Ann, his children; Donna June, Jacqueline Mae and Penny Ann — was well known to us because he spoke of them with such fondness.

One of the most difficult jobs as leader is to say no to someone who wants to be someplace other than here. The only time Jack ever said no to the leadership was when he refused to cancel a trip to Disneyland with his grandchildren. It was a promise he and Ann had made, and he was not going to break a promise.

• (1420)

Now Jack will have the time that he has wanted for some time to enjoy his family. First on his agenda will be a trip to North Carolina to see his brother; then he and Ann are off to Iceland. That is just the beginning. I am sure he will miss this chamber and his associates, but I know he will not miss the 11-hour trip to get back and forth to Swift Current.

Enjoy, Jack. I will miss you very much.

Hon. Leonard J. Gustafson: Honourable senators, I am pleased to bring some words of — should I say — "parting" to Jack Wiebe. I might say at the outset that Jack and I have had our times on the Agriculture Committee because we both come from the same background. I want to say this: Jack's strength on the Agriculture Committee came from his experience from sitting on so many local committees, such as the Saskatchewan Wheat Pool, the farmers' union, the Credit Union and the list goes on. He brought with him a special knowledge of the grass roots of agriculture.

What were Jack's weaknesses? Well, we should not bear on them, but I have to mention the committee's study on global warming. We indicated in print that the climate in Canada is getting warmer all the time. Well, January disproved that. We had the coldest month on record, I believe, and I wonder what that says about global warming.

Jack brought a great deal of knowledge, and understanding to the Agriculture Committee, as well as the other committees on which he served. He will be missed. He never compromised the Liberal Party. He was a strong supporter. I am sure we will all miss the good-natured verbal exchanges we had with him in committee.

Jack, have a good holiday for I know you will go back to work, whatever the area you may choose.

Honourable senators, I am sure we will hear about Jack Wiebe again in some other endeavour — he says he is not retiring. He has a lot of energy, and the members of the committees on which he sat wish him all the best.

Hon. B. Alasdair Graham: Honourable senators, as Senator Gustafson and others from his native province will tell you, Saskatchewan is a paradise of natural beauty, steeped in the ancient history and legends of our First Nations. Over the last century, the province grew into a rich tapestry reflecting the diversity of the human family, and, in the process, a remarkable tradition of social democracy evolved — sharing, caring, and compassion for one's fellow man.

That tradition grew and was nurtured by dedicated Canadians so much so that, today, Saskatchewan has one of the highest rates of volunteerism and charitable donations per capita in the whole of the country, which brings me to my old friend Jack Wiebe.

When I first met Jack, many years ago, he was as much a representative of the welcoming spirit of Saskatchewan as anyone I ever had the privilege to encounter.

As president of the provincial Liberal Party of that province, he showed great strength in tumultuous times. A member of the national executive of the Liberal Party of Canada, of which I happened to be president, he helped guide the party through the challenges of the late 1970s and the early 1980s. It was no surprise that the integrity and courage that he demonstrated when the going got tough would propel him to the highest offices in his beloved province, a place where the bread basket of this country coexists with some of Canada's largest scientific projects, a special place where the heartbeat of small communities and the pulse of new businesses live as one.

Jack Wiebe has brought an enormous cumulative experience, sound judgment, common sense and dedication to the Senate of Canada. Now he leaves this chamber, and, with the deepest regret, we must say goodbye with best wishes and a big thank you to Jack, his wife, Anne, and their children.

Whether it was as senator, Lieutenant-Governor or Knight of the Order of St. John of Jerusalem, whether it was on the farm, at the Credit Union or in the Lions Club, whether it was his lifelong interest in the Canadian Forces or the education of our young people, no matter what paths he has travelled, Senator Jack Wiebe remains first, foremost and always a dedicated man of the people, a true prairie gentleman.

[Later]

Hon. Norman K. Atkins: Honourable senators, I should like to extend my best wishes to Jack Wiebe on his retirement. I think it is important to note in this place that he was an outstanding member of the Standing Senate Committee on National Security and Defence. There was not ever a witness who appeared before

that committee that he did not ask a question with regard to the reserves. He was a champion of the reserves, and we owe him a great deal for the interest he took in that regard.

The only other point I would make is that I feel a little concern for our colleague Senator Banks. They were like the Bobbsey twins. I do not know how he will get along without his partner, but I am sure he will find some way to do it.

Senator Wiebe was an outstanding senator, and it is too bad that he only had three years in this place.

Hon. Senators: Hear, hear!

TRIBUTES

THE LATE CORPORAL JAMIE BRENDAN MURPHY

Hon. Joan Cook: Honourable senators, on January 27, 2004, a Canadian soldier from my province of Newfoundland and Labrador was called upon to make the ultimate sacrifice.

Corporal Jamie Brendan Murphy, son of Norman and Alice, was killed during a routine patrol in Kabul, Afghanistan, when a suicide bomber jumped into his jeep. He was just 10 days short from completing a six-month tour of duty when the tragedy struck. Three fellow Canadians were injured, as well as eight Afghans, in the first suicide attack to target Canadian members of the NATO-led international peacekeeping force. It did not take long for the heartbreaking news to ripple halfway around the world to the scenic, peaceful outpost of Conception Harbour and throughout the rest of Canada.

Jamie was a 26-year-old member of the 3rd Battalion, Royal Canadian Regiment, who has been described as a "lovely young man who would give you the shirt off his back." Those who knew him well talked about his kindness, courage, loyalty and dedication. They say he was easygoing, good-natured and hard-working, a tremendous person and a professional soldier. His father said he loved his work and was very proud of the job they were doing in Afghanistan.

Honourable senators, there is no doubt of the tremendous difference that Canadian soldiers are making in Afghanistan. Brigadier-General Peter Devlin witnesses every day the initiative, drive and special way our soldiers deal with the people of Kabul and the support and appreciation that they have for our Canadian soldiers. More people are returning to their homes, more businesses are opening and more children are going to school. There is a belief in their eyes of eventual peace and prosperity. Jamie and his comrades helped to build this confidence and optimism.

Honourable senators, Jamie Murphy did not die in vain. He died with honour and with pride in the noble pursuit of peace, security and well-being, values which we, as Canadians, believe to be essential. Jamie contributed to a safer world.

On this day that he is laid to rest, on behalf of the Senate of Canada, I wish to extend sincere and heartfelt sorrow to all of those who loved and cherished Corporal Jamie Murphy. His mother said it best: "Jamie was a wonderful son and I love him with all my heart."

Honourable senators, lest we forget:

Life is mostly froth and bubble but
Two things stand like stone
Kindness in another's trouble and
Courage in your own.

[Later]

Hon. George J. Furey: Honourable senators, I rise today to add my voice to that of my colleague Senator Cook in extending condolences to Candice McCauley and to Norman and Alice Murphy, as well to other family members and friends of Corporal Jamie Murphy, and to his comrades, the members of the Royal Canadian Regiment serving in Afghanistan.

The tragic death of Corporal Murphy serves to remind us all that throughout the ages societies have asked of their young that they often bear arms to defend their countries, their loved ones and the very principles of democracy, freedom and justice.

Canada has often asked of its young men and women that they help rebuild and protect peace abroad. Corporal Murphy's tragic death reminds us all of the dreadful costs that accompany Canada's best purposes in the world.

Indeed, in asking this ultimate sacrifice of Corporal Jamie Murphy, we must never forget to keep faith with his love of country. We must never forget to keep faith with his pride, his courage and his belief in the principles of democracy and justice. We must always remember to keep faith with his great sacrifice: that these values shall never vanish for those left to mourn his sad and tragic loss.

• (1430)

[Translation]

BLACK HISTORY MONTH

Hon. Donald H. Oliver: Honourable senators, I rise today to draw your attention once again to an incident of racial profiling that happened in Canada.

In this case, the target was Kirk Johnson, a Black Canadian, who is one of Nova Scotia's best-known athletes and one of the best heavyweight boxers in the world. Mr. Johnson has represented Canada with honour at international boxing matches.

The incident I want to tell you about happened on April 12, 1998. Mr. Johnson was at the wheel of his car and with him was his cousin, Mr. Fraser, when he was pulled over by a police officer in Dartmouth.

[Senator Cook]

[English]

The constable asked for proof of insurance and vehicle registration and was not satisfied with the documents offered. He then ticketed the driver and ordered the car towed and impounded. In fact, Mr. Johnson's documentation was valid under Texas law. The next day, an unidentified police official determined that the seizure had been erroneous and ordered the car released. Both Mr. Fraser and Mr. Johnson are Black.

[Translation]

The basic question in this case is whether Constable Sandford acted out of discrimination on the evening of April 12, and whether any action or lack of action on the part of the Halifax Regional Police can be considered discrimination toward Mr. Johnson.

[English]

According to Mr. Johnson, this incident was the twenty-ninth time during a cumulative three-month period that he had been stopped by the police. According to the police force's own records, more than 20 computer searches had been conducted on Mr. Johnson's car during the same period.

As a result of this incident, Mr. Johnson filed a complaint with the Nova Scotia Human Rights Commission, claiming that the only reason he and his friend were pulled over by the police officer was because they were Black.

The board of inquiry that deliberated Mr. Johnson's complaint was chaired by Philip Girard, Associate Dean of Graduate Studies at Dalhousie Law School. After several weeks of hearing evidence and testimony from witnesses, Professor Girard issued the tribunal's landmark ruling on December 23, 2003.

The tribunal concluded that Mr. Johnson had indeed been a victim of racial profiling and discrimination at the hands of the Halifax Regional Police and the officer who pulled him over in April of 1998. It also concluded that while the Halifax police force is not rife with racism, there is no doubt that racial profiling is a practice that is carried out by members of the department.

The board of inquiry found that the events of April 12 were humiliating, stressful, and painful to Mr. Johnson and that there was harm to his self-esteem and his reputation. He was awarded \$10,000 as general damages.

Honourable senators, this is Black History Month, which presents us with an ideal opportunity to highlight how morally indefensible the practice of racial profiling is and the fact that it goes against the values engendered by the Charter of Rights and Freedoms.

In conclusion, Black History Month also provides an opportunity to highlight the great achievements of visible minorities in Canada and how their diversity and their achievements have contributed to the building of this great nation. I would ask all senators to take the time to promote the teaching of Black history as a way to help eliminate the ignorance that results in racial profiling and racism in Canada.

JUSTICE

Tuesday, February 3, 2004

SUPREME COURT RULING ON CORPORAL
PUNISHMENT OF CHILDREN

Hon. Sharon Carstairs: Honourable senators, last Friday, the Supreme Court of Canada ruled on the issue of section 43, the section of the Criminal Code dealing with the corporal punishment of children. Clearly, I would have preferred to have had this section struck down. In the past, I introduced a private member's bill that would have done just that. However, I do think the court has made strong statements that will, in my view, significantly change the application of this section.

The court has stated that no child under two years of age and no teenager should have corporal punishment used on them. They further stated that slaps or punches to the head are prohibited, as is the use of objects to inflict corporal punishment. This will make unacceptable the use of sticks, whips, straps, extension cords, shoes, all of which have been used and excused under section 43.

Teachers have also had limitations placed upon them that will not allow strapping but will allow a teacher to use some force removing a recalcitrant student.

Canadians must be informed of these new rules, and I urge the government to launch a public education program, one that will encourage the use of alternative disciplinary actions other than corporal punishment.

Senators, this is not about discipline; this is about appropriate forms of discipline.

[Translation]

THE HONOURABLE JEAN-ROBERT GAUTHIER

CONGRATULATIONS ON RECEIVING *LE DROIT'S* 2003
PERSONALITY OF THE YEAR AWARD

Hon. Marie-P. Poulin: Honourable senators, it is with both pride and friendship that I rise to offer Senator Jean-Robert Gauthier our sincere congratulations. Last week the newspaper *Le Droit* chose him as the 2003 personality of the year.

We are all aware of his commitment, his dedication and his service, and along with all the honourable senators, I thank him.

ROUTINE PROCEEDINGS

COMMITTEE OF SELECTION

FIRST REPORT OF COMMITTEE PRESENTED

Hon. Rose-Marie Losier-Cool, Chair of the Committee of Selection, presented the following report:

The Committee of Selection has the honour to present its

FIRST REPORT

Pursuant to rule 85(1)(a) and 85(2) of the *Rules of the Senate*, your Committee wishes to inform the Senate that it nominates the Honourable Senator Pépin as Speaker *pro tempore*.

Respectfully submitted,

ROSE-MARIE LOSIER-COOL
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Losier-Cool, and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

• (1440)

[English]

COMMITTEE OF SELECTION

SECOND REPORT OF COMMITTEE PRESENTED

Hon. Rose-Marie Losier-Cool, Chair of the Senate Committee of Selection, presented the following report:

Tuesday, February 3, 2004

The Committee of Selection has the honour to present its

SECOND REPORT

Pursuant to Rule 85(1)(b) of the *Rules of the Senate*, your Committee submits herewith the list of Senators nominated by it to serve on the following committees:

STANDING SENATE COMMITTEE
ON ABORIGINAL PEOPLES

The Honourable Senators Carney, P.C., Chaput, Christensen, Gill, Johnson, Léger, Pearson, Mercer, Sibbeston, St. Germain, P.C., Tkachuk and Trenholme Counsell.

STANDING SENATE COMMITTEE
ON AGRICULTURE AND FORESTRY

The Honourable Senators Callbeck, Day, Fairbairn, P.C., Fitzpatrick, Gustafson, Hubley, LaPierre, Oliver, Ringuette, St. Germain, P.C., Sparrow and Tkachuk.

STANDING SENATE COMMITTEE ON BANKING, TRADE AND COMMERCE

The Honourable Senators Angus, Biron, Fitzpatrick, Harb, Hervieux-Payette, P.C., Kelleher, P.C., Kroft, Massicotte, Meighen, Moore, Prud'homme, P.C. and Tkachuk.

STANDING SENATE COMMITTEE ON ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

The Honourable Senators Baker, P.C., Banks, Buchanan, P.C., Christensen, Cochrane, Eyton, Finnerty, Kenny, Merchant, Milne, Spivak and Watt.

STANDING SENATE COMMITTEE ON FISHERIES AND OCEANS

The Honourable Senators Adams, Cochrane, Comeau, Cook, Hubley, Johnson, Mahovlich, Meighen, Phalen, Robichaud, P.C., Trenholme Counsell and Watt.

STANDING SENATE COMMITTEE ON FOREIGN AFFAIRS

The Honourable Senators Andreychuk, Carney, P.C., Corbin, De Bané, P.C., Di Nino, Eyton, Grafstein, Graham, P.C., Mahovlich, Poy, Sparrow and Stollery.

STANDING SENATE COMMITTEE ON HUMAN RIGHTS

The Honourable Senators Beaudoin, Ferretti Barth, Jaffer, LaPierre, Maheu, Munson, Poy, Rivest and Rossiter.

STANDING COMMITTEE ON INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

The Honourable Senators Atkins, Bacon, Bryden, Cook, De Bané, P.C., Eyton, Gauthier, Gill, Jaffer, Kinsella, Massicotte, Munson, Poulin, Robertson and Stratton.

STANDING SENATE COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

The Honourable Senators Andreychuk, Baker, P.C., Beaudoin, Bryden, Buchanan, P.C., Cools, Furey, Jaffer, Joyal, P.C., Nolin, Pearson and Smith, P.C.

STANDING JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT

The Honourable Senators Forrestall, Kinsella, Lapointe, Morin and Poy.

STANDING SENATE COMMITTEE ON NATIONAL FINANCE

The Honourable Senators Biron, Comeau, Day, Doody, Downe, Ferretti Barth, Finnerty, Furey, Gauthier, Murray, P.C., Oliver and Ringuette.

STANDING SENATE COMMITTEE ON NATIONAL SECURITY AND DEFENCE

The Honourable Senators Atkins, Banks, Cordy, Day, Forrestall, Kenny, Meighen, Munson and Smith, P.C.

STANDING SENATE COMMITTEE ON OFFICIAL LANGUAGES

The Honourable Senators Beaudoin, Chaput, Comeau, Gauthier, Keon, Lapointe, Léger, Maheu and Munson.

STANDING SENATE COMMITTEE ON RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

The Honourable Senators Andreychuk, Di Nino, Downe, Fraser, Grafstein, Harb, Hubley, Joyal, P.C., Losier-Cool, Milne, Murray, P.C., Ringuette, Robertson, Smith, P.C. and Stratton.

STANDING JOINT COMMITTEE FOR THE SCRUTINY OF REGULATIONS

The Honourable Senators Biron, Harb, Hervieux-Payette, P.C., Kelleher, P.C., Lavigne, Moore and Nolin.

STANDING SENATE COMMITTEE ON SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

The Honourable Senators Callbeck, Cook, Cordy, Fairbairn, P.C., Keon, Kirby, LeBreton, Léger, Morin, Robertson, Roche and Rossiter.

STANDING SENATE COMMITTEE ON TRANSPORT AND COMMUNICATIONS

The Honourable Senators Adams, Corbin, Day, Eyton, Fraser, Graham, P.C., Gustafson, Johnson, LaPierre, Merchant, Phalen and Spivak.

Pursuant to Rule 87, the Honourable Senator Austin, P.C. (or Rompkey, P.C.) and the Honourable Senator Lynch-Staunton (or Kinsella) are members *ex officio* of each select committee.

Respectfully submitted,

ROSE-MARIE LOSIER-COOL

Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Senator Losier-Cool: With leave of the Senate, and notwithstanding rule 58(1)(g), I move that this report be placed on the Orders of the Day for consideration later today.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

BUSINESS OF THE SENATE

Motion to Change Commencement Time on Wednesdays and Thursdays Adopted

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, with leave the Senate and notwithstanding rule 58(1)(a), I move:

That for the duration of the current session, when the Senate sits on a Wednesday or Thursday, it do sit at 1:30 p.m., and that rule 5(1)(a) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

SPAM CONTROL BILL**FIRST READING**

Hon. Donald H. Oliver presented Bill S-2, to prevent unsolicited messages on the Internet.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Oliver, bill placed on Orders of the Day for second reading two days hence.

**THE CONSTITUTION ACT, 1867
THE PARLIAMENT OF CANADA ACT****BILL TO AMEND—FIRST READING**

Hon. Donald H. Oliver presented Bill S-3, to amend the Constitution Act, 1867, and the Parliament of Canada Act (Speakership of the Senate.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Oliver, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

OFFICIAL LANGUAGES ACT**BILL TO AMEND—FIRST READING**

Hon. Jean-Robert Gauthier presented Bill S-4, to amend the Official Languages Act (promotion of English and French), in order to enhance the implementation and enforceability of the Government of Canada's commitments respecting the advancement of English and French under Part VII of the Act.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Gauthier, bill placed on the Orders of the Day for second reading two days hence.

[English]

HERITAGE LIGHTHOUSE PROTECTION BILL**FIRST READING**

Hon. J. Michael Forrestall presented Bill S-5, to protect heritage lighthouses.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Forrestall, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

USER FEES BILL**FIRST READING**

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-212, An Act respecting user fees.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Rompkey, bill placed on the Orders of the Day for second reading two days hence.

[English]

COMPETITION ACT**BILL TO AMEND—FIRST READING**

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-249, to amend the Competition Act.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Rompkey, bill placed on the Orders of the Day for consideration two days hence.

• (1450)

[English]

[Translation]

CRIMINAL CODE**BILL TO AMEND—FIRST READING**

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-250 to amend the Criminal Code (hate propaganda).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Rompkey, bill placed on the Orders of the Day for second reading two days hence.

[English]

HAZARDOUS PRODUCTS ACT**BILL TO AMEND—FIRST READING**

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-260, to amend the Hazardous Products Act (fire-safe cigarettes).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Rompkey, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

BILL TO CHANGE NAMES OF CERTAIN ELECTORAL DISTRICTS**FIRST READING**

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-300 to change the names of certain electoral districts.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Rompkey, bill placed on the Orders of the Day for second reading two days hence.

HUMAN RIGHTS

**2002 BERLIN RESOLUTION OF ORGANIZATION
FOR SECURITY AND CO-OPERATION IN EUROPE
PARLIAMENTARY ASSEMBLY—NOTICE OF
MOTION TO REFER TO COMMITTEE**

Hon. Jeremiah S. Grafstein: Honourable senators, I give notice that tomorrow, Wednesday, February 4, 2004, I will move:

That the following resolution, encapsulating the 2002 Berlin OSCE (PA) Resolution, be referred to the Standing Senate Committee on Human Rights for consideration and report before June 30, 2004:

WHEREAS Canada is a founding member State of the Organization for Security and Economic Co-operation in Europe (OSCE) and the 1975 Helsinki Accords;

WHEREAS all the participating member States to the Helsinki Accords affirmed respect for the right of persons belonging to national minorities to equality before the law and the full opportunity for the enjoyment of human rights and fundamental freedoms and further that the participating member States recognized that such respect was an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation between themselves and among all member States;

WHEREAS the OSCE condemned anti-Semitism in the 1990 Copenhagen Concluding Document and undertook to take effective measures to protect individuals from anti-Semitic violence;

WHEREAS the 1996 Lisbon Concluding Document of the OSCE called for improved implementation of all commitments in the human dimension, in particular with respect to human rights and fundamental freedoms and urged participating member States to address the acute problem of anti-Semitism;

WHEREAS the 1999 Charter for European Security committed Canada and other participating members States to counter violations of human rights and fundamental freedoms, including freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism;

WHEREAS on July 8, 2002, at its Parliamentary Assembly held at the Reichstag in Berlin, Germany, the OSCE passed a unanimous resolution, as appended, condemning the current anti-Semitic violence throughout the OSCE space;

WHEREAS the 2002 Berlin Resolution urged all member States to make public statements recognizing violence against Jews and Jewish cultural properties as anti-Semitic and to issue strong, public declarations condemning the depredations;

WHEREAS the 2002 Berlin Resolution called on all participating member States to combat anti-Semitism by ensuring aggressive law enforcement by local and national authorities;

WHEREAS the 2002 Berlin Resolution urged participating members States to bolster the importance of combating anti-Semitism by exploring effective measures to prevent anti-Semitism and by ensuring that laws, regulations, practices and policies conform with relevant OSCE commitments on anti-Semitism;

WHEREAS the 2002 Berlin Resolution also encouraged all delegates to the Parliamentary Assembly to vocally and unconditionally condemn manifestations of anti-Semitic violence in their respective countries;

WHEREAS the alarming rise in anti-Semitic incidents and violence has been documented in Canada, as well as Europe and worldwide.

Appendix

RESOLUTION ON ANTI-SEMITIC VIOLENCE IN THE OSCE REGION Berlin, 6-10 July 2002

1. Recalling that the OSCE was among those organizations which publicly achieved international condemnation of anti-Semitism through the crafting of the 1990 Copenhagen Concluding Document;
 2. Noting that all participating States, as stated in the Copenhagen Concluding Document, commit to "unequivocally condemn" anti-Semitism and take effective measures to protect individuals from anti-Semitic violence;
 3. Remembering the 1996 Lisbon Concluding Document, which highlights the OSCE's "comprehensive approach" to security, calls for "improvement in the implementation of all commitments in the human dimension, in particular with respect to human rights and fundamental freedoms", and urges participating States to address "acute problems", such as anti-Semitism;
 4. Reaffirming the 1999 Charter for European Security, committing participating States to "counter such threats to security as violations of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism";
 5. Recognizing that the scourge of anti-Semitism is not unique to any one country, and calls for steadfast perseverance by all participating States;
- The OSCE Parliamentary Assembly:
6. Unequivocally condemns the alarming escalation of anti-Semitic violence throughout the OSCE region;
 7. Voices deep concern over the recent escalation in anti-Semitic violence, as individuals of the Judaic faith and Jewish cultural properties have suffered attacks in many OSCE participating States;
 8. Urges those States which undertake to return confiscated properties to rightful owners, or to provide alternative compensation to such owners, to ensure that their property restitution and compensation programmes are implemented in a non-discriminatory manner and according to the rule of law;
 9. Recognizes the commendable efforts of many post-communist States to redress injustices inflicted by previous regimes based on religious heritage, considering that the interests of justice dictate that more work remains to be done in this regard, particularly with regard to individual and community property restitution compensation;
 10. Recognizes the danger of anti-Semitic violence to European security, especially in light of the trend of increasing violence and attacks regions wide;
 11. Declares that violence against Jews and other manifestations of intolerance will never be justified by international developments or political issues, and that it obstructs democracy, pluralism, and peace;
 12. Urges all States to make public statements recognizing violence against Jews and Jewish cultural properties as anti-Semitic, as well as to issue strong, public declarations condemning the depredations;
 13. Calls upon participating States to ensure aggressive law enforcement by local and national authorities, including thorough investigation of anti-Semitic criminal acts, apprehension of perpetrators, initiation of appropriate criminal prosecutions and judicial proceedings;
 14. Urges participating States to bolster the importance of combating anti-Semitism by holding a follow-up seminar or human dimension meeting that explores effective measures to prevent anti-Semitism, and to ensure that their laws, regulations, practices and policies conform with relevant OSCE commitments on anti-Semitism; and

15. Encourages all delegates to the Parliamentary Assembly to vocally and unconditionally condemn manifestations of anti-Semitic violence in their respective countries and at all regional and international forums.

[Translation]

STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

REQUEST FOR GOVERNMENT RESPONSE— NOTICE OF MOTION

Hon. Jean-Robert Gauthier: Honourable Senators, I give notice that on Thursday, February 5, 2004, I will move:

That, pursuant to rule 131(2), the Senate ask the government to table a detailed and comprehensive response to the Fourth Report of the Standing Senate Committee on Official Languages, tabled in the Senate on October 1, 2003, during the Second Session of the 37th Parliament, and adopted on October 28, 2003.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY CERTIFICATION OF PETITIONS TABLED IN THE SENATE

Hon. Jean-Robert Gauthier: Honourable Senators, I give notice that, on Thursday next, February 5, 2004, I will move:

That the Standing Committee on Rules, Procedures and the Rights of Parliament be authorized to examine, for the purposes of reporting by March 1, 2004, all Senate procedure related to the tabling of petitions in this Chamber in Parliament assembled, that a procedural clerk, having examined the form and content, certify the petitions in accordance with established standards and that follow-up be provided for in the *Rules of the Senate*.

[English]

REASONS FOR SITTING AS PROGRESSIVE CONSERVATIVE

NOTICE OF INQUIRY

Hon. Norman K. Atkins: Honourable senators, I give notice that on Thursday, February 5, 2004:

I will call the attention of the Senate to the reasons for my decision to sit as a Progressive Conservative senator.

[Senator Grafstein]

[Translation]

OFFICIAL LANGUAGES

BILINGUAL STATUS OF CITY OF OTTAWA— PRESENTATION OF PETITION

Hon. Jean-Robert Gauthier: Honourable senators, we do not have any rules about presenting petitions in the Senate. I will not take advantage of that to read the 2,834 petitions I have to table today. However, I would like to remind you of the importance of petitions pursuant to rule 4(h).

So far, the petitions include a total of 19,834 signatures of people who are asking that Ottawa, the capital of Canada, be declared a bilingual city reflecting the country's linguistic duality.

The petitioners are asking Parliament to consider the following points:

That the Canadian Constitution provides that English and French are the two official languages of our country and have equality of status and equal rights and privileges as to their use in all institutions of the Government of Canada;

That section 16 of the Constitution Act, 1867 designates the city of Ottawa as the seat of government of Canada;

That citizens have the right in the national capital to have access to the services provided by all institutions of the Government of Canada in the official language of their choice, namely English or French;

That Ottawa, the capital of Canada, has a duty to reflect the linguistic duality at the heart of our collective identity and characteristic of the very nature of our country.

Therefore, your petitioners ask Parliament to confirm in the Constitution of Canada that Ottawa, the capital of Canada, is officially bilingual, pursuant to section 16 of the Constitution Act, from 1867 to 1982.

Honourable senators, I could read each of these petitions, but I would probably exceed my time limit. Today I am tabling a petition with 2,834 signatures, but I have several thousand more. Petitions are effective because cities, municipalities and even provinces respect these petitions. The Senate should do the same.

[English]

QUESTION PERIOD

JUSTICE

INVESTIGATION INTO MAHER ARAR CASE— SEIZURE OF JOURNALIST'S DOCUMENTS— COMMENTS BY PRIME MINISTER

Hon. A. Raynell Andreychuk: Honourable senators, as the first questioner today, I want to welcome Senator Austin to his new position. Given his previous political experience, his legal experience and continuing the tradition of Western concern

I am sure he will come to think of Question Period as his most memorable part of the day. At least we will certainly attempt to make it so.

About two weeks ago, 10 police officers raided the home and office of *Ottawa Citizen* reporter Juliet O'Neill, searching for information about a leaked document on the Maher Arar case. The search warrants were based on section 4 of the Security of Information Act. This raid has invoked outrage; the term "police state" has been bandied about. While Ms. O'Neill was treated like a criminal, the Prime Minister has said that she is "clearly not a criminal."

• (1500)

Will the Leader of the Government in the Senate tell us what briefing the Prime Minister received to lead to that conclusion?

Hon. Jack Austin (Leader of the Government): Honourable senators, this being my first opportunity to answer questions as Leader of the Government in the Senate, would Senator Andreychuk allow me, first, to congratulate the Leader of the Opposition on his designation as leader of the new Conservative Party of Canada.

Hon. Senators: Hear, hear!

Senator Austin: I am not sure that my historical research is complete, but I believe that his predecessor in leading the Official Opposition in this chamber was the Right Honourable Senator Arthur Meighen, who was also, according to the research I have seen, the Prime Minister.

However, I do not have any aspiration to that position.

Senator Kinsella: He does!

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I wish to reassure or discourage honourable senators by saying that the Right Honourable Arthur Meighen sat here as leader of the Conservative Party and then ran in a by-election and lost. I do not intend to follow in those footsteps.

Senator Austin: This is a pity, because I thought we might have an announcement with respect to a fourth candidate.

In answer to the Honourable Senator Andreychuk's question, I have no information to provide the honourable senator on what information the Prime Minister might have had.

Senator Andreychuk: Will I get a written reply in due course? I believe it is fair to ask whether the Prime Minister had a briefing that led him to that conclusion or whether his conclusion was based on some other basis. This subject does not intrude on the Arar inquiry in any way but, rather, deals with a previous act that lies exclusively within the Prime Minister's domain. Will we hear a reply in due course?

Senator Austin: In response to the Honourable Senator Andreychuk, I believe the Prime Minister was saying that Ms. O'Neill was entitled to the presumption of innocence, which she certainly is. If the honourable senator has a more specific question on this issue, I would be pleased to take that question as notice and provide an answer.

Senator Andreychuk: It would seem to me that the Prime Minister clearly indicated that Ms. O'Neill was not a criminal. With his background, he would understand what that term means. I do not think it would mean that he was invoking the presumption of innocence. He clearly left me with the impression, as he did all of the Canadians with whom I have spoken, that he was saying that Ms. O'Neill was not a criminal and should not be charged. On that basis, it is fair to ask this question: What led the Prime Minister to that conclusion?

I leave the Leader of the Government to ponder that. I would request a written reply; otherwise, I will have to ask about this subject in the chamber again.

ATTORNEY GENERAL

INQUIRY INTO MAHER ARAR CASE SEIZURE OF JOURNALIST'S DOCUMENTS— REVIEW OF SECURITY OF INFORMATION ACT

Hon. A. Raynell Andreychuk: The government has promised a review of the Security of Information Act by a parliamentary committee, but no timeline has been set for this review.

Section 24 of the Security of Information Act states: "No prosecution shall be commenced for an offence against this Act without the consent of the Attorney General."

My question for the Leader of the Government is as follows: Given that a review of the act will be undertaken, can we have an assurance that the Attorney General will not give consent to begin a prosecution against Ms. O'Neill until this review is complete?

Hon. Jack Austin (Leader of the Government): Honourable senators, at this moment, I am not in a position to provide either of the assurances that Senator Andreychuk is requesting.

As the honourable senator will know, being a lawyer herself, the matter is in the hands of the Royal Canadian Mounted Police. If, when and as the RCMP determine to take action, that information will be made public as quickly as possible.

Senator Andreychuk: My concern relates to the consent of the Attorney General. It is within the purview of the government to indicate that that consent will not be given until such time as the review is completed. That in no way inhibits the tracking or obtaining of the evidence and the assessments that are rightly within the realm of police enforcement.

The Attorney General's consent is the final stage that rests exclusively within the jurisdiction of the Government of Canada and the Attorney General.

Senator Austin: This subject is a matter of government policy that is not as yet settled. I would ask Senator Andreychuk to allow the development of this policy, which I hope will take place in short order.

Senator Andreychuk: Am I then to believe that there is no policy in place as to when the Attorney General will give his consent in light of this inquiry? Has no thought been given to this subject at this time; is that what I am hearing?

Senator Austin: Honourable senators, I said nothing of the sort. What I said is that this policy is now being considered. I thank the honourable senator for allowing me to clarify my answer.

Senator Andreychuk: I have a final point. I will come back to these matters because they are important both for the conduct of the court as well as the freedom of expression and the freedom of the press.

Will the Leader of the Government in the Senate tell us if the government's review of section 4 of the Security of Information Act will be conducted through a joint committee of the Senate and the House of Commons?

Senator Austin: Honourable senators, we are not yet in a position to make such an announcement.

Senator Andreychuk: I hope that such a review would encompass both Houses. This is a fundamental issue. Honourable senators have a responsibility to address fundamental questions and, in particular, Charter questions.

In light of the judgment of Madam Justice Mary Lou Benotto in the Ontario Superior Court protecting journalists and their sources, would the government consider exercising its prerogative not to wait and to ensure that journalistic sources are protected by amending the act immediately?

Senator Austin: Senator Andreychuk is exploring very important issues. Prime Minister Martin has made clear that freedom of the press is a high priority for Canadian values and there can be no debate that we need an informed press and a press free to inform the Canadian people.

As to the honourable senator's specific question, again, these issues are of a contemporary character and the government will make its announcements, I hope shortly.

PRIME MINISTER

REPORT ON FORMER PRIVATE BUSINESS DEALINGS WITH GOVERNMENT TABLED IN THE HOUSE OF COMMONS

Hon. Marjory LeBreton: Honourable senators, may I also welcome Senator Austin in his new capacity as Leader of the Government in the Senate.

I noted the reference that Senator Andreychuk made to the fact that Senator Austin is from the West. I sat through the Speech from the Throne yesterday and, unless I missed something, did not hear the West mentioned in that speech. However, that is another matter.

Honourable senators, my question is in regard to a grossly misleading answer about the current Prime Minister's former business dealings with the Government of Canada that was tabled in February 2003.

Eight months later, in October 2003, the former government leader in the other place said that the matter had been brought to the attention of the government that the CSL information was incomplete and that he had instructed government officials to make further inquiries.

Regardless of the timing of the announcement, could the Leader of the Government in the Senate advise whether this further review was at the request of the incoming government or at the request of the outgoing government? Put another way: Is the revised \$161-million answer, as opposed to \$137,000 answer, the end result of an undertaking by former Minister Boudria on behalf of the Chrétien government, or is it the result of the request of the government of Paul Martin in its effort to address the democratic deficit?

• (1510)

Hon. Jack Austin (Leader of the Government): Honourable senators, my understanding is that the issue was the result of a question raised by a member of Parliament who pursued the government for an answer. That answer is now public. I hope that is a sufficient response to Senator LeBreton's question.

Senator LeBreton: The question is the nature of the answer. There is no doubt that the answer was given and the question was posed by the opposition, but an answer of \$137,000 as opposed to \$161 million, even with the accounting sleights of hand of the former Minister of Finance, is beyond the pale.

I point out that no less than seven ministers signed off on the official response while others failed to respond. What steps are now being taken to ensure that information tabled in Parliament by ministers, based on information from their officials, is indeed accurate?

Senator Austin: Honourable senators, I want to agree with Senator LeBreton that this is not the way in which answers to questions should be provided by the government. I want to make it clear to this house that the Prime Minister, Mr. Martin, neither as Minister of Finance or in his present capacity, had anything to do with the preparation of the answers to those questions. They were done in other places. I would also add that the Department of Finance, when the present Prime Minister was Minister of Finance, was not in any way involved in the contracts.

Senator LeBreton: My final supplementary concerns the former President of the Treasury Board, Ms. Robillard, one of the ministers who signed off on the incorrect or wrong answer. Of course, she remains in cabinet today as Minister of Industry. Could the Leader of the Government in the Senate advise us if anyone, anywhere in government, has been fired or disciplined for misleading Parliament?

Senator Austin: Honourable senators, that is a question that I will have to take as notice. If there proves to be an affirmative answer, I will certainly supply it.

PRIME MINISTER'S OFFICE

ETHICS COUNSELLOR—RULING ON MINISTERS AND POLITICAL STAFF NEGOTIATING EMPLOYMENT OUTSIDE GOVERNMENT

Hon. Gerald J. Comeau: Honourable senators, I, too, wish to congratulate the new Leader of the Government. We look forward to working with him and I am sure it will be fun.

Honourable senators, 11 days before the new Prime Minister was sworn in, it was reported that the Ethics Counsellor had watered down the rules regarding former ministers and political staff who were negotiating their departure from public service. John Manley and Eddie Goldenberg are examples.

The Conflict of Interest and Post-Employment Code for Public Office Holders tabled by former Prime Minister Jean Chrétien in 1994 required that departing officials give the Ethics Commissioner notice of any job offers they might receive. Mr. Wilson, however, decided that he only wanted to be told of jobs that had been accepted, not jobs that had been offered. The result is that during the period between the offer and the acceptance of the offer, these officials would not have to arrange their affairs and their work so as to avoid any conflict of interest. Could the Leader of the Government tell us whether Mr. Wilson was acting unilaterally, or was the outgoing Prime Minister personally in agreement with the rule change?

Hon. Jack Austin (Leader of the Government): Honourable senators, first, I cannot agree with the premise that Mr. Wilson, as Ethics Counsellor, watered down the rules, to use the phrase of the Honourable Senator Comeau.

I believe that those rules were properly applied. If there is some specific example where Senator Comeau thinks they were not properly applied, I would be happy to have him advise me.

Senator Comeau: Yes, I will be getting back to the government leader.

As I understand it, then, the way that Mr. Wilson handled this matter was perfectly fine with the former Prime Minister. Would the rules as applied to Mr. Goldenberg and Mr. Manley be perfectly in agreement with the new Prime Minister?

Senator Austin: Honourable senators, I cannot advise this house, nor could Senator Comeau expect me to advise this house, with respect to the opinion or the actions of the former Prime Minister. I have no information with respect to the present Prime Minister's views on this subject. Again, however, I would invite Senator Comeau to put a specific case, if he has one, rather than ask hypothetical questions.

ETHICS COUNSELLOR—SALARY AND ANNUAL PERFORMANCE BONUS

Hon. Donald H. Oliver: Honourable senators, I wish to add my congratulations to the new Leader of the Government, along with the others.

My question is about the ethics officer and bonuses. Last month we learned that the annual performance bonus of \$25,000 is paid as part of the structure of the Ethics Counsellor's pay package. The Ethics Counsellor admits to taking bonuses, although not of that magnitude. Could the Leader of the Government advise the Senate as to the criteria used to determine whether the work of the Ethics Counsellor warrants a performance bonus? What are the criteria?

Hon. Jack Austin (Leader of the Government): Honourable senators, I would be happy to obtain that information and advise the Honourable Senator Oliver.

Senator Oliver: Honourable senators, the bottom line is that the Ethics Counsellor's paycheque depends upon his keeping the government happy. The bonuses had to be approved by the Deputy Minister of Industry, who himself could easily be shuffled to a far less prestigious department if the Prime Minister so deemed. The current pay arrangements were acceptable to the previous Prime Minister. Mr. Wilson has had to make several calls as to whether the new Prime Minister is or was in a conflict of interest on various matters. He has been cleared on each and every one of those.

Could the Leader of the Government advise the Senate as to whether the new Prime Minister sees anything wrong with making part of the salary of the person who rules on conflicts of interest dependent upon pleasing the government?

Senator Austin: I have great difficulty with the innuendo of the Honourable Senator Oliver that Mr. Wilson has not behaved properly. The honourable senator used the phrase "keeping the government happy," which goes to the question of the integrity of the Ethics Counsellor. If the honourable senator has a specific accusation to make, then I suggest that he make it.

Senator Oliver: Honourable senators, I do have a specific one. The new ethics bill continues the practice of allowing the cabinet to set the salary of the ethics commissioner to ensure that there is no perception of bias. Would it not be appropriate to further amend this bill either to fix the salary of the ethics commissioner by statute or to tie it to the judiciary?

Senator Austin: I will consider that a representation and review it with my colleagues.

NATIONAL DEFENCE

UNITED STATES—PARTICIPATION
IN MISSILE DEFENCE SYSTEM

Hon. Douglas Roche: Honourable senators, I want to congratulate the Honourable Senator Austin on his appointment as Leader of the Government in the Senate and offer him my full cooperation. I want to thank his predecessor, Senator Carstairs, for her leadership, which included bringing forward independent senators as full members of Senate committees. I also congratulate Senators Rompkey and Losier-Cool on their appointments, and I thank Senator Robichaud for his many courtesies to me.

The recent exchange of letters between Canadian Minister of National Defence Pratt and U.S. Secretary of Defence Rumsfeld has set Canada on a course of negotiations toward Canadian participation in the U.S. ballistic missile defence system.

Given that throughout the Cold War Canadian policy assessed missile defence to be destabilizing and detrimental to global security, and that there is no existing Canadian policy citing missile defence as a credible response to security threats, will the government seize its responsibilities to explain to the Canadian taxpayer what is going on in these current discussions? How much money will this cost Canada — money that is required to obtain equipment needed and deemed to be usable by Canada's Armed Forces?

Hon. Jack Austin (Leader of the Government): Honourable senators, I thank the honourable senator for his congratulations.

• (1520)

Let me reply to the honourable senator by saying that, at this stage, the Government of Canada is investigating the proposals and policies of the United States in missile defence. We are engaged in trying to better understand their case for the missile defence program in which they wish to engage.

I would not call this stage negotiation. Therefore, I have no further information to give to honourable senators. At some point in time, and I cannot predict when, the government will be considering a decision on participating in missile defence. Today, we are considering the position of the United States in an endeavour to decide whether to be part of their existing program.

Senator Roche: Honourable senators, before any such negotiations were to commence, I believe there should be a full debate in the Parliament of Canada, certainly in the House of Commons and in the Senate, on this extremely important matter.

Has the government noted that not one of the 10 key technologies for the ballistic missile defence system has been tested and that the Pentagon's top weapons evaluator, Thomas P. Christie, has said that the planned deployment in September of this year is not ready to go ahead? What is the rush for Canada? Why do we not take time for a full assessment, which will show that the long-range plans for U.S. ballistic missile defence involve weapons in space, which is directly counter to Canadian policy?

Senator Austin: Honourable senators, I would not share the view of the Honourable Senator Roche that there is any rush to come to a conclusion. I think we will come to a conclusion on the basis of satisfaction vis-à-vis our understanding of what is on the table in U.S. missile defence policy.

It is abundantly clear that Canada has no intention of participating in a program that deals with the militarization of space.

PARLIAMENT

HOUSE OF COMMONS—FREE VOTE ON FUNDING
FOR FIREARMS REGISTRATION PROGRAM

Hon. David Tkachuk: I should also like to congratulate Senator Austin on his appointment. I notice he has a growing phalanx of ex-leaders to his left. Pretty soon he will be pushed off the edge — unless you guys are beaten in the next election, which we will do everything we can to accomplish.

In a story published in the *Ottawa Citizen* yesterday, Roger Gallaway, parliamentary secretary for democratic reform, indicated that there would be a free vote in the House on funding the firearms registration program when a request for more funding is presented to Parliament during the Estimates in March. In a letter to his constituents, Mr. Gallaway stated that a free vote would mean the firearms program would die of financial malnutrition — in other words, no money.

Could the Leader of the Government in the Senate tell us whether the Prime Minister indeed does plan on having a free vote in the House on funding for the firearms program?

Hon. Jack Austin (Leader of the Government): Honourable senators, at this time I cannot answer the honourable senator's question; however, his question fascinates me and I shall search diligently for the answer.

Senator Tkachuk: Honourable senators, I do not understand this. I am sure it would fascinate the leader, but this comment was from the parliamentary secretary for democratic reform, Roger Gallaway. The Leader of the Government in the Senate is a member of the cabinet.

Does the Prime Minister plan to have a free vote in the House on funding for the firearms program? Just answer that question, before I go on to my other one.

Senator Austin: Honourable senators, I repeat my previous answer, which is a full answer to the honourable senator's inquiry at the moment.

Senator Stratton: Gallaway is a Liberal, by the way.

HOUSE OF COMMONS—FREE VOTES ON MONEY BILLS

Hon. David Tkachuk: Honourable senators, I should also ask whether the Government of Canada has given any consideration to having free votes on money bills of any kind? What is the process for choosing that particular vote?

Hon. Jack Austin (Leader of the Government): Honourable senators, the government will, tomorrow, table in the other place and in the Senate its program for democratic reform. I would ask Honourable Senator Tkachuk to review that document when it is tabled; perhaps we can renew this line of questioning thereafter.

Senator Tkachuk: Does that mean there was no discussion respecting, or consideration given to, having free votes? I am not talking about a resolution. I am talking about a money bill and having a vote on a particular section of it. Has there been discussion on that part of the initiative? Is the government considering that?

Senator Austin: Honourable senators, I am absolutely certain the honourable senator will not forget this question over the next three or four days. I expect to have it back again.

Senator Tkachuk: Bring back Senator Carstairs.

NATIONAL DEFENCE

AFGHANISTAN—INVESTIGATION INTO DEATH OF CORPORAL JAMIE MURPHY

Hon. J. Michael Forrestall: Honourable senators, I join with those who extend their warmest congratulations to Honourable Senator Austin and Honourable Senator Rompkey. My particular thanks to your predecessor for her sometimes extraordinary patience.

I am having difficulty understanding why Canadian Forces personnel are forced to fly in extraordinarily old pieces of equipment. More than a year ago, the Leader of the Government in the Senate may recall — although he was busy with other things — my pointing out that, in the relatively calm surroundings of Prince Edward Island, the Prince Edward Island Regiment's Ilitis jeeps were all unserviceable.

The government, in its infinite wisdom, sent Canadian troops to Afghanistan last summer against the advice of military planners, causing, as many will recall, General Cameron Ross to offer his resignation.

This fall, two Canadian soldiers were killed when they drove over an anti-tank mine outside Kabul. Sadly, another Canadian has now died. Corporal Jamie Murphy is being laid to rest today. To his family and partner, I am sure we all join in sending our heartfelt sympathies.

I know it is early on, but can the Leader of the Government in the Senate tell this house anything about the investigation into the tragic death of Corporal Murphy?

Hon. Jack Austin (Leader of the Government): Honourable senators, I cannot say anything about the background to Corporal Murphy's death, which we all regret, as he was serving the cause of democracy and freedom in a very dangerous place. It is indeed sad that his life has been taken.

With respect to the Ilitis jeeps, as Senator Forrestall knows, the government is replacing that equipment. I cannot advise here with respect to the assessment of its utility, whether it was wrongly placed in the field, but I shall look into those important subjects.

As Senator Forrestall is well aware, the government, in its Speech from the Throne, made commitments to enhance military equipment and the capacities of the Canadian military. This is a serious commitment, one that will be acted on expeditiously.

DISTINGUISHED VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw to your attention the presence in our gallery of our former colleague the Honourable Sheila Finestone.

• (1530)

[Translation]

THE SENATE

WELCOME TO MACE BEARER

The Hon. the Speaker: Honourable senators, I have the honour to inform you that Ms. Jan Potter has taken over the duties of mace bearer, as of February 2, 2004. It is my pleasure to welcome her to the Senate of Canada.

[English]

Before going to Orders of the Day, Senator Gauthier may have a point of order.

POINT OF ORDER

Hon. Jean-Robert Gauthier: Honourable senators, my point of order is simple. What procedure allows the Senate and the Speaker to introduce bills from the House of Commons that were studied and examined in the Second Session of the Thirty-seventh Parliament, when I had a private bill die on the Order Paper at third reading stage when Parliament was prorogued? As an individual senator, I must now present the bill again for first reading, which I have done today.

I do not understand why members of the House of Commons receive priority with their bills when senators do not have that kind of priority. Are there any rules? Which rule did Your Honour use to introduce these bills? Under what system do we operate? Have I made myself clear?

The Hon. the Speaker: I understand the honourable senator's question, and I have been curious about that myself. The answer, of course, is that the rules in the other place are their concern alone and not ours. Bills that were given first reading today with numbers that related to the Second Session of the Thirty-seventh Parliament have been sent to us in the normal fashion, having been passed by that House. Of course, the message — in effect the form of the bill presented here for first reading — is entirely in keeping with our past practice. As to their rules, I cannot comment.

ORDERS OF THE DAY

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE ADJOURNED

The Senate proceeded to consideration of Her Excellency the Governor General's Speech from the Throne at the Opening of the Third Session of the Thirty-seventh Parliament.

Hon. Marilyn Trenholme Counsell, seconded by the Honourable Senator Paul Massicotte, moved:

That the following Address be presented to Her Excellency the Governor General of Canada:

To Her Excellency the Right Honourable Adrienne Clarkson, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

MAY IT PLEASE YOUR EXCELLENCY:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

She said: Honourable senators, I have the honour of moving the motion to adopt the Address in reply to the Speech from the Throne given yesterday, February 2, 2004, by Her Excellency the Governor General.

[Translation]

The year 2004 is of great significance to Canada, since it marks the 400th anniversary of the arrival of Europeans on St. Croix Island. Acadia is a thriving community and we New Brunswickers are very proud to share our aspirations in the only officially bilingual province.

Congratulations Acadia! We wish you long life and unending pride!

[English]

Since Sir John A. Macdonald, a succession of remarkable men and women have accepted the responsibility to build a country that is a beacon to millions seeking a better life. This dedication is exemplified by the former Premier of Prince Edward Island, the Honourable Senator Catherine Callbeck. The world class Confederation Bridge is a testimony to the vision of which I speak.

[Translation]

Recently, we paid tribute to the Right Honourable Jean Chrétien for his remarkable career in the Parliament of Canada, and we also thanked Ms. Aline Chrétien for her loyalty and dignity.

[English]

I congratulate the Honourable Senator Jack Austin for the recognition afforded him as Leader of the Government in the Senate. I am sure that he will help each of us grow closer to the people of Western Canada to build a stronger country.

To the Honourable Senator Sharon Carstairs, I extend our deep appreciation for her tireless devotion.

Honourable Senator Dan Hays, I am delighted to see you in the Chair with your esteemed good nature.

[Translation]

I thank the Honourable Senator Fernand Robichaud for his leadership and his good sense of humour.

[English]

I know Senator Rompkey is glad to pass the whip to Senator Rose-Marie Losier-Cool.

[Translation]

Good luck! She is the first woman to become a whip, is she not?

[English]

Congratulations to the new deputy leader on the government side. We look forward to some Newfoundland stories along with his serious work.

I wish also to salute the continuing leadership of Senator Kinsella and Senator Lynch-Staunton in their respective roles.

Honourable senators, I took my place in the Senate with humility and a hunger to experience directly our national government at work. Most of all, I was eager to share my days with women and men from every province and territory who brought to this chamber a wealth of diversity and human experience. I thank you for the warmth of your welcome and the sincerity of your openness to help me. Thank you.

Many Canadians do not realize the dedication of members of the Senate to subjects of great importance to this country. How can we tell our fellow citizens about the work we do?

[Translation]

Can we do more to deserve the respect of Canadians? Honourable senators, we have the privilege and the responsibility to engage our fellow citizens in the debate on the Speech from the Throne that begins today.

[English]

Several themes characterize the Speech from the Throne: the caring nature of Canadians; the potential and the talent of our citizens; Canadians engaged in building the future; Canada's voice in the world; and perhaps my favourite, that "the future of our children is, quite literally, Canada's future."

The rights and safety of youth are Senator Landon Pearson's passion. Early childhood development is mine. After all, we cannot have a healthy population unless we raise healthy children, and I am immensely proud of our government's pledge to children in the Speech from the Throne.

The Honourable John Godfrey, Chair of Children's Caucus, talks about the "trampoline effect" of increasing our investment in children from birth to six years.

Economists are among Canada's champions for a national children's agenda calling for more money for childcare and early childhood education as "a national-universal priority" and "making public investment in human capital most productive."

• (1540)

In 1982, the Canadian Institute of Advanced Research, CIAR, was founded. Dr. Fraser Mustard became an internationally recognized giant in the sphere of human development. His message:

Any substantial stress, or neglect, in the early years, or in utero, may damage neurons that can never be replaced...effectively closing down vital pathways in the brain...(and the result is) higher dropout rates, higher unemployment and more of their adult lives in hospitals.

We know it also means more of their adult lives within the correctional system. The cost to society is enormous. The loss of human capital, the loss of human potential, is enormous.

Dr. Mustard was joined in the late 1990s by the Hon. Margaret Norrie McCain in a widely acclaimed study, "The Early Years." They recommended

...increased public investment...in first tier early child development and parenting community-based centres to accommodate all parents, working and nonworking, preferably on school sites.

Locating these centres on school sites reminded me of Senator Laurier LaPierre's poignant description of schools as "cathedrals of the child."

Dr. Douglas Willms, University of New Brunswick Centre for Human Development, found that the majority of vulnerable children live in two-parent, moderate-income families.

Good parenting far outweighs poverty, while the education of the mother, single and/or teen parents, and maternal depression are significant factors in childhood vulnerability. Twenty-eight per cent of Canadian children are vulnerable. Doctor Willms called for a "family-enabling society." This is a statement about social justice.

The National Longitudinal Survey of Children and Youth is a first, a national database for studying Canada's children from infancy to adulthood. The National Children's Agenda represents this solid, evidence-based research.

Dr. Fraser Mustard's pioneer work has led to CIAR fellows from coast to coast bringing into indisputable focus the way early neurological and biological pathways develop from conception can affect one's entire lifespan. I could mention a list of distinguished scholars across the country.

Many excellent programs exist in Canada. I will mention only a few, including the Canada Child Tax Benefit, Community Action Program for Children (CAPC), the Canada Prenatal Nutrition Program (CPNP), Understanding the Early Years, Family Resource Centres, "Stepping Into the Future" (Newfoundland), Moncton Headstart, Montreal's Centre of Excellence for Early Child Development, Toronto First Duty, the Healthy Learning Partnership in British Columbia and the Centres de la Petite Enfance in Quebec.

Child care is a serious issue in the homes and in the capitals of the nation. We have this commitment in the Throne Speech: "... more quality child care more quickly."

The federal government's extension of parental leave to one year has been hailed as a bold and positive move. Now, three times as many fathers take parental leave.

Since 1995, Aboriginal Headstart has received \$22.5 million annually, for 114 centres, to provide Aboriginal children with a positive sense of themselves, a desire for learning, and opportunities to develop fully as successful young people, ultimately, in the words of the Speech from the Throne "participating fully in national life."

The Speech from the Throne is honest and to the point on Aboriginal Canadians. Our government admits to a "shameful" lack of progress in far too many Aboriginal communities, promising "to turn the corner."

Early childhood development is deeply personal for me. The joy I experienced working with New Brunswick's children and families was boundless.

As a physician, I am excited about the monumental expansion of our knowledge about the development of a baby's brain — the billions of neurons in a newborn's brain awaiting positive stimulation, nurturing and good nutrition that will influence the synapses — the wiring — the potential of the human brain.

Honourable senators, each of us can be a champion for children.

[Translation]

We can send the following message: the family home — the cradle of knowledge and love.

[English]

“Born to Read” — “Le goût de lire”: Reading to babies and toddlers, telling stories, playing number games and looking at pictures involve all of the senses and bring together love and learning. An absence of reading and music and bonding and healthy food means a piece of the brain is lost forever.

Too many children, especially boys, struggle to overcome these deficits throughout their entire lives, especially those with learning disabilities, physical and mental exceptionalities, FAS, FAE, ADD and ADHD.

Not so long ago in Canada, half of our high school graduates were scoring below 50 in language tests. Literacy in the homes and in the schools is now a priority. We are looking for best practices.

There are significant differences among the provinces. Alberta's teens were number one worldwide in reading. Why? Alberta has a standardized curriculum that emphasizes language arts, regular testing, highly trained teachers and increased parental engagement. Albertans say that the inspiration comes from the bottom up. Departments of education are now determined to tackle literacy when children enter school for the first time.

Meanwhile, we still have adult illiteracy. Just yesterday, a union representative told me that half of their members have literacy problems in the changing workplace. This is why Senator Joyce Fairbairn fights illiteracy every day of her life, with incredible passion. She is part of an enormous literacy movement coast to coast to coast.

Hon. Senators: Hear, hear!

Senator Trenholme Counsell: That was much deserved. She is an inspiration to me.

That is why “lifelong learning” is in the Speech from the Throne — adult literacy, skills upgrading, apprenticing, high-technology education, the trades and much more.

All of this is accompanied by a promise to overhaul the Canada Student Loans Program, and I believe that is great news for the youth of Canada.

[Senator Trenholme Counsell]

A highly skilled, well-trained workforce is the backbone of any successful economy in the 21st century, just as scholarship research and development are critical to national and international progress on the human and on the economic fronts.

This workforce must include persons with disabilities. In 2004, the Government of Canada is making a commitment “to fill the gaps in education and skills development and in workplace supports and workplace accommodation for people with disabilities.” Our government will lead by example.

[Translation]

As for health care, this new government will continue to uphold the principles of health care insurance, also known as medicare. Canadians attach great importance to our health care system but they are very uncertain about the future. As a family physician for 27 years, I can say that I have found my career to be extremely satisfying. But I am also extremely worried, as are many other health professionals.

[English]

We look to new models for primary health care, using telemedicine and a collaborative approach, to boost the morale of health care professionals. Nevertheless, no new model or no new formula for funding or doctor-patient ratios can give Canadians the health they want unless citizens assume their share of the responsibility. Too often, our universally funded system has been regarded like a limitless buffet — more office visits, more tests and more prescriptions.

It is time for all Canadians to take a hard look at their lifestyle and to make the tough choices — the informed choices — required to live healthier, more productive lives. Millions of dollars could be saved in every province and territory. These same dollars could provide the specialists and equipment needed to reduce waiting times. Family doctors and nurse practitioners would once again open their doors to new patients. Health will begin at home.

The home too has increasingly become the place for recuperation, rehabilitation and palliative care. Home care needs far more attention than it has received.

New Brunswick's Extra-Mural Hospital program is a testimony to the vision of Senator Brenda Robertson. It serves as a model around the world.

Senators have met face to face with persons at the forefront of the battle against SARS, and with mental health activists who made us realize the cost to human beings and to society of mental illness that is underdiagnosed, undertreated and too often fatal.

In 2004, health protection will be in the forefront, with a new Canada public health agency led by a chief public health officer for Canada.

Looking over our shoulders are Canada's seniors. We are living longer and healthier, but the challenge to our health care system grows year by year. I have heard people say that seniors abuse the system. However, honourable senators, I am much more concerned about senior abuse. It demands our vigilance, individually and collectively, just as the walls of silence around family violence will never again be tolerated.

Honourable senators, I am compelled to speak about poverty — poverty on our streets, in the homes of single parents, among our aboriginal youth especially, in the rocking chairs of the elderly, and far too often amongst the working poor. A million or more of Canada's children live in low-income homes. Elderly women and men living alone in poverty are increasing in number.

• (1550)

Too many of our people are poor in spirit. They lack the literacy, the skills, the self-esteem, the health and the hope to find work.

[Translation]

"A new deal for communities." I have great respect for our big cities and great love for our rural communities. We must not allow our big cities and our small cities — where most Canadians live — to lose their beauty or their safety or, most particularly, the means for people to have a good quality of life and a good opportunity to work.

At the same time, Canada is a vast land, a country rich in natural resources, and a nation where the land and sea are the sources of hope for many of our families. We must protect our rural heritage.

[English]

I add my voice to all who call for a new partnership with the federal government to restore wild Atlantic salmon to our rivers. May it happen soon.

I live in Tantramar, in Sackville —

[Translation]

— part of the riding of Beauséjour.

[English]

There is beauty everywhere, but there are also people living in fear for their livelihood: seasonal labourers in the fisheries, beef farmers, and workers in the softwood lumber industry. This same fear exists across the land. Canada must find solutions to these very real human and economic problems.

[Translation]

Canadian unity is strong in 2004, but regions from coast to coast are demanding a voice and respect as equal members of this great family. We should express our thanks to the people of Quebec for reaffirming their Canadian citizenship.

[English]

The senators and members of Parliament of Atlantic Canada have laid before our government our vision and our confidence in our future in the document entitled "The Rising Tide." I ask honourable senators to take a few minutes to read this document so that you will understand better our determination to develop our resources, especially the talent and the work ethic of our people, so that we can truly hold high our history as the birthplace of Canada and hold even higher our hopes for the future, a place of promise for our youth and all who would call Atlantic Canada home.

Millions of women and men around the globe dream of the day when they too, might call Canada home. Let us welcome even more immigrants and do more to allow professionals from other countries to work with dignity. Let us safeguard human rights. Let us hold fast to our independence while strengthening our position as an international citizen, a champion of the United Nations, a famous peacekeeper and honest broker in international disputes.

[Translation]

Canada — Canadians — are demanding and expecting much more in 2004: a greater focus on the environment, on Kyoto, more resources for members of the Canadian Forces, for our security at home and abroad, and especially, more jobs.

The challenge of sharing North America with our neighbours — the Americans — must continue to receive our closest attention and loyalty.

In the words of the Speech from the Throne:

We can play a distinctive role based on our values — the rule of law, liberty, democracy, equality of opportunity, and fairness. As others have said: the world needs more Canada.

[English]

Canada's foreign policy will give hope and strength to newly developing countries and will demonstrate the genuine interest of Canadians in cooperation with giants on the world scene. Generosity toward others is a hallmark of Canada and must be reflected in our foreign aid. Our strength is not in our numbers but in the hearts of the people of this great nation.

My fellow senators, let us join our vast experiences and the trust that has been placed in us to provide this new session of Parliament with the diligence Canadians expect. We can give this venerable institution the imagination of children, the wisdom of years, and do our part to give expression to the fundamental hopes and aspirations of Canadians. It is a great privilege that I embrace with you, my colleagues, with pride and confidence.

Hippocrates, the great Greek physician-philosopher, said: "Time is that wherein there is opportunity, and opportunity is that wherein there is no great time." Our new Prime Minister said: "We are living a moment of rare opportunity: after a decade of sacrifice and successful turnaround."

Honourable senators, let us seize this opportunity. Let us give it our time.

Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, I regret to advise those who might wish to ask a question that Senator Trenholme Counsell's time has expired. In fact, I may have even given her a little extra time.

Hon. Terry Stratton: Honourable senators, I would request leave to ask a question.

Senator Robichaud: You cannot ask for leave. She must ask.

The Hon. the Speaker: Senator Trenholme Counsell, will you request leave for further time?

Senator Trenholme Counsell: It is your decision, Your Honour.

The Hon. the Speaker: I take it that she is not requesting leave.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): On a point of order, now that we are starting off a new session, I think it is important for us to return to the tradition of this house. With the greatest respect for the Chair, when senators rise, unlike the House of Commons, we do not begin by saying "Mr. Speaker." We address honourable senators. I would encourage honourable senators to remind us of our Senate practices. All senators are equal in this place and our address is to honourable senators.

[Later]

The Hon. the Speaker: Before taking my seat, honourable senators, Senator Kinsella has raised a point of order in regard to the practice of how we address one another in this place. I thought that I would read the relevant rule for honourable senators, some of whom are new to the chamber. Rule 32 reads as follows:

A Senator desiring to speak in the Senate shall rise in the place where that Senator normally sits and address the rest of the Senators.

[Translation]

Hon. Paul J. Massicotte: Honourable senators, as we begin a new session, I will take this opportunity to welcome Senator Terry Mercer and Senator Jim Munson, who were sworn in yesterday afternoon.

I would also like to formally congratulate the new team that orchestrated the government's efforts in the Senate, namely the Honourable Jack Austin, Leader of the Government, the

Honourable William Rompkey, Deputy Leader of the Government, and the Honourable Rose-Marie Losier-Cool, chief government whip in the Senate. This new team representing the new government promises to be very exciting.

Today, honourable senators, it is with great emotion that I speak for the first time before you. Since my arrival last fall, I have listened and observed closely. Little by little, I have become familiar with the workings of this venerable institution, the Senate of Canada. I am extremely proud to be part of this select group of Canadians who have the opportunity, but above all the duty, to influence the destiny of their country.

I made my first speech in the Standing Senate Committee on Banking, Trade and Commerce. I am extremely proud to be a member of this committee, which plays an important role in an essential sector of our society. I want to express my gratitude to its Chair, Senator Kroft, and the other members of the committee, who made me feel so welcome.

I am pleased today to speak in support of the motion by the Honourable Marilyn Trenholme Counsell. Her motion asks the Senate to adopt the Speech from the Throne delivered yesterday by Her Excellency, the Right Honourable Adrienne Clarkson, Governor General of Canada. I sincerely believe that it is our duty to adopt this motion.

Over the next few minutes, I am going to try to explain clearly why it is our duty to do so. As a businessman, I worked hard to satisfy my customers. I devoted many years to creating a dynamic company, which I managed with enthusiasm and honesty.

Today, I want to share some of my concerns about the future of Canada based on this experience. As some of you already know, I am a Franco-Manitoban and I grew up in an agricultural community of fewer than 1,000 inhabitants. I was born in Ste Anne, as was the honourable senator Maria Chaput.

However, I have spent nearly twenty years living in Quebec, and I am now a Quebecker and a Manitoban, but I am first and foremost a Canadian.

• (1600)

Having lived in these two regions of our fine country, two such culturally different regions, I have some understanding of western alienation toward central Canada. As a member of a linguistic minority, I also understand the fundamental importance French-speaking Quebeckers, and other French-speaking Canadians, attach to their language, their culture, their roots.

Yet my pride as a franco-Manitoban, my pride as a Quebecker, does not in any way prevent me from being a Canadian, and a very proud Canadian, one who can continue to develop his full potential in French in a country which has made linguistic duality a fundamental element in its development.

[Senator Trenholme Counsell]

Honourable senators, I consider myself somewhat privileged to have been born in this vast and rich land. I count myself fortunate to be able to live in a country so supportive of tolerance and social justice, a prime example of diversity and multiculturalism to the world.

Like most of you, I did not choose this country. I inherited it. I will keep my shoulder to the wheel so that our children and grandchildren can continue to shape the marvellous work in progress that is Canada.

[English]

Yes, I am a proud Canadian. As a citizen of this great country, I know that we are very fortunate to enjoy such a peaceful, equitable and prosperous society. After all, think of all the atrocities, all the suffering there is in this world. For too many people around the world our reality is a distant dream.

I ask all honourable senators: Why is it that over 840 million people, or 14 per cent of the global population today, are hungry while we live in a society defined by over-consumption? Why is it we have the right to choose our government when 42 per cent of the world's population, in some 73 countries, have never experienced the benefits of democracy?

We are indeed very fortunate people, perhaps the most fortunate people in the world, but we must never take our way of life for granted. Let us not forget that our enviable quality of life is a fragile thing. There are many examples in history of how people's well-being can be overturned in an instant. For example, there was a recent 2001 economic crisis in Argentina. As honourable senators may remember, the government of the time precipitated a run on the banks and bank deposits, provoking widespread unrest that left 27 people dead. The economy almost collapsed. The GDP dropped by 16 per cent in the first quarter of 2002, and unemployment rose to 23 per cent.

Remember that Argentina is a democracy and before this crisis was recognized as a prosperous middle-class country. In fact, it is very much like Canada. Our populations are roughly the same size and Argentina's economic strengths include abundant natural resources, a highly literate population, an export-oriented agricultural sector and a diversified industrial base. As of January 2003, 60 per cent of the population lived in poverty. Argentina, the world's fifth largest food exporter in 2002, had children dying of starvation.

We in Canada are certainly not immune to such an evil. Less than a decade ago, the *Wall Street Journal* was calling this country an honorary member of the Third World. Our budget deficit was out of control and the national debt was climbing at a dizzying rate. Fortunately, Canadians pulled together and made sacrifices. We were able to conquer the deficit and put our public finances in order.

However, we cannot rest on our laurels. We must find new and creative ways to maintain Canada's rank as one of the best countries in the world. This is an urgent matter in my opinion. In

this new highly competitive global economy we risk falling behind other industrialized nations, as well as rapidly industrializing nations like India and China. Look at the tremendous economic potential these two colossal nations, cradles of ancient civilizations and home to over 1 billion people in India's case, where 86 per cent earn less than two dollars a day and 44 per cent earn less than one dollar a day. There are 1.25 billion people living in China, where high-tech work in Beijing earns about \$9,000 a year compared to \$40,000 a year in Canada. It is predicted they will both become dominant players in the world economy over the next three decades. According to a 2003 report by investment firm Goldman Sachs, China and India will be the second and third largest economies by 2050. These countries are competing directly against Canada for high-wage manufacturing and high-tech jobs. The solution does not lie in hiding behind tariffs and other forms of protectionism.

[Translation]

Another variable that needs to be taken seriously, since it will greatly impact upon our chances of success, is our relationship with our neighbours to the south, the United States. Having this incomparable economic power as an ally and friend is a considerable advantage, particularly where trade is concerned. Our relationship is, of course, unique in the world, since over 80 per cent of our exports are to the U.S. and over one-third of our GDP depends on those exports.

The situation for the United States is far different; its exports to Canada represent only 1.64 per cent of its GDP. I repeat: our trade exchanges account for more than one-third of our GDP, but a mere 1.64 per cent of theirs. In such a context, how can we negotiate on an equal footing?

[English]

Clearly, we face major challenges to our continuing good fortune and the solutions are not all obvious. At the heart of all solutions are certain key factors to maintain our prosperity. In hockey terms, as a small guy in the world scene, we must be smarter, faster and more disciplined than the others if we wish to succeed. In economic terms, we must find ways to increase our productivity through governmental and, more importantly, corporate investment in research and development, innovation, and in people, toward higher education and life-long learning as fundamental strategies of our country.

We must also do more to foster entrepreneurship among Canadians. We must make our firms more competitive, more efficient, more export-oriented and more responsive to change; that is, we must find ways to get government, private enterprise and we as individuals to focus on innovation in finding new approaches and practices to get better results.

[Translation]

So, despite our weaker position, it is critical to our prosperity, our collective well-being, that we continue to maintain our special relationship with the United States, while holding to our values. Previous governments have done a lot of work in this regard, but it is only a beginning. There is a lot that remains to be done. It is essential that we keep building on this.

In order to meet all these challenges, we must act effectively and quickly. I sincerely believe that the Speech from the Throne is a good starting point. In fact, it underscores the importance of acting quickly to address the issues I have just mentioned. In the speech, the new government makes specific commitments regarding lifelong learning. It recognizes that we must do much more to ensure that our knowledge investments result in commercial success. The Throne Speech proposes that Canadians who are experiencing economic problems be helped to pursue their education. It also talks about increasing our efforts to help poor countries and to improve our relations with the United States.

Today, I mentioned some of the challenges that Canada must meet. We have many resources and we have the capability to build our own future. But we will only succeed if we work together to reach our common objectives.

Honourable senators, all of us here have a duty to do our share. We are leaders in our community. We play a key role in the legislative process. The Speech from the Throne that we heard yesterday is a step in the right direction. As senators, we have good reasons to support today's motion. Therefore, I am inviting you to join your voices with mine in asking our country to adopt an agenda that will lead us to economic and social prosperity.

[English]

• (1610)

The Hon. the Speaker: Would the Honourable Senator Massicotte take a question?

Hon. Bill Rompkey (Deputy Leader of the Government): On a point of order.

Honourable senators, I had intended to raise this matter before. In my 30 years of experience, the policy with regard to the Address in Reply to the Speech from the Throne is somewhat different from other debates in that we allow honourable senators to speak and thereafter we follow the practice of questions and answers. However, in the other House and in this chamber we give the mover and seconder the courtesy of listening to them. Quite often, they are new members of the chamber and are speaking for the first time. That may or may not be the case. In any event, I would ask that we follow the same practice that we have followed traditionally for today.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable Senator Massicotte still has time within his 15 minutes. Senator Comeau asked if the honourable senator would take a question. Senator Massicotte agreed. I do not see why Senator Rompkey would intervene if both sides are in agreement that a question and answer are acceptable.

Senator Massicotte: I will be happy to take questions.

[Senator Massicotte]

[Translation]

Hon. Gerald J. Comeau: Honourable senators, the practice in the House of Commons is different than in the Senate. And if I go by my experience here, I believe that the senators are generally prepared to answer questions. This gives them the opportunity to become familiar with the procedure. I think it is beneficial to them to be asked questions.

[English]

Senator Rompkey: That was not my experience in the other place.

Senator Comeau: We are not in the other place. I spent time in the other place along with you at the time, and it was a different practice, I agree. This is an entirely different chamber and we should remember that.

The Hon. the Speaker: Honourable senators, the question that Senator Rompkey raised is settled by virtue of the fact that Senator Massicotte will accept a question.

[Translation]

Senator Comeau: Once again, honourable senators, I must congratulate the senator on his excellent speech.

I had the opportunity to read the Speech from the Throne; one of its failings is that it makes no mention of Canada's natural resources. In fact, the word "fishing" appears only once in the entire speech. Despite the fact that there are serious problems in this sector, nearly all the funds invested in science and law enforcement have been slashed. I agree with Senator Trenholme Counsell when she says that our natural resources sector is extremely important.

Another thing that concerns me even more lately is that the new Minister of Fisheries and Oceans, who is new to the job and responsible for matters he has no experience in, has just been appointed to represent the government in the important O'Neill and Arar cases.

Can Senator Massicotte tell me if it is because the new Minister of Fisheries and Oceans has no experience in natural resources or if it is an oversight? Furthermore, will the new senator do his best to remind the government of how important natural resources are to Canada?

Senator Massicotte: When we read the Speech from the Throne, we see that the government has concentrated on macroeconomic factors, for example, the absence of a deficit and the stability of interest rates. It is true that the speech did not mention the fisheries sector. Instead, it focussed on elements of great importance to all Canadians. For the past two years, we have seen income taxes drop sharply, which is something everyone benefits from, even the fisheries sector.

On motion of Senator Lynch-Staunton, debate adjourned.

COMMITTEE OF SELECTION

[English]

FIRST REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the first report of the Committee of Selection (Speaker *pro tempore*) presented to the Senate earlier today.—(*Honourable Senator Losier-Cool*)

Hon. Rose-Marie Losier-Cool moved the adoption of the report.

Motion agreed to and report adopted.

SECOND REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Senate Committee of Section, presented earlier this day.

Hon. Rose-Marie Losier-Cool moved the adoption of the report.

Motion agreed to and report adopted.

The Senate adjourned until Wednesday, February 4, 2004, at 1:30 p.m.

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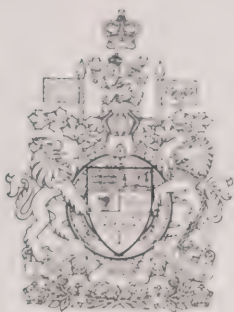
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OFFICIAL REPORT
(HANSARD)

Wednesday, February 4, 2004

THE HONOURABLE DAN HAYS
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Wednesday, February 4, 2004

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

THE HONOURABLE EDWARD M. LAWSON

WELCOME TO LIBERAL CAUCUS

Hon. Jack Austin (Leader of the Government): Honourable senators, it gives me great pleasure to advise the Senate that British Columbia has a new Liberal senator as of today: Senator Ed Lawson, who was appointed to this chamber in 1970, and I am delighted to have him as a Liberal colleague, someone who can assist in helping to deliver the Prime Minister's promises with respect to Canada's fifth region, British Columbia.

I should like to relate a personal vignette of my experience with Senator Lawson because we do go a long way back. I ran for Parliament in the riding of Vancouver—Kingsway in 1965 and my opponent was Grace MacInnis, the daughter of J.S. Woodsworth, and of course she won. I came in second, however.

I went to Senator Lawson, who was the head of the teamsters in British Columbia, and said, "Is there any way you can help me?" He was kind enough to provide four, 300-pound gentlemen to knock on doors for me. I owe some of my improvement in the Liberal columns to Senator Lawson, though I will never know how much.

I wish to welcome Senator Lawson. I look forward to working with him and the Liberal caucus looks forward to having him with us.

Hon. Edward M. Lawson: Honourable senators, I recall that when Senator Austin asked for help, those involved were not quite 300-pound men, but they were very large teamsters who helped him knock on doors. However, I did tell the men, "When you are with Jack Austin running for election, you knock on the door; you do not knock down the door."

Joining the Liberal caucus is somewhat of a late change after 33 years as an independent. When I came to the Senate in 1970, the government leader was Paul Martin Sr. He took me under his wing. He was a wise counsel, a mentor and very helpful. Everyone knows the kind of parliamentarian he was in the House of Commons and the social legislation that he introduced.

They used to say about Paul Martin Sr. that he was so smooth he could follow a Conservative through a revolving door and always come out first. I think the son is everything the father was and more.

I was impressed with the way the Prime Minister handled himself when he was the Minister of Finance. He was always responsive when I called. For the first time, during the leadership campaign, he spoke about Western alienation being a real concern and said he was planning to do something about it. I went to him and told him that I appreciated his intentions, liked what he was saying and wanted to help. He said that the best way to help would be to join his team.

Senator Austin, Senator St. Germain and I have worked on a number of files about creating and saving jobs in British Columbia. I think that I can accomplish more as part of the Liberal team than I could as an independent, although I will miss sitting alongside my golfing partner, Senator St. Germain.

Hon. Gerry St. Germain: Honourable senators, what a day. Senator Lawson moves over to the Liberals and I move back in with the Conservatives. When we form the government after the next election, believe me, I will look after Senator Lawson as he looked after me.

Honourable senators, I have worked for the interests of British Columbia. I see Senator Austin and Senator Lawson forming a team to better promote the causes of British Columbians and to rid this country of Western alienation.

Liberals have a tendency to make promises, such as those in the Red Books. I want Senator Lawson to deliver on those promises. However, I do know that Senator Lawson has worked for the interests of British Columbia, but I do not know whether he has made the right move here.

I will say that when Senator Lawson was an independent and we played golf, I was always prepared to give him strokes. That has ended. I will give him no more strokes. He will have to play us even, and may the best team win.

Honourable senators, Senator Lawson is a teamster, but the best way to describe the man is as a truck driver with a tie. I wish my friend good luck and I look forward to playing golf with him.

ANNIVERSARY OF RESPONSIBLE GOVERNMENT

Hon. B. Alasdair Graham: Honourable senators, the opening of Parliament is always a day filled with ceremony and beautiful traditions, as we saw here on Monday. It is an important time to reflect on the privilege of serving in this chamber, of the high responsibility of public service and the challenges that lie ahead.

February 2 is also a very special day in our history. It marks the one hundred and fifty-sixth anniversary of the triumphant achievement of responsible government, a moment of great meaning in the evolution of the social and political fabric of our treasured Canadian democracy.

• (1340)

[English]

On February 2, 1848, the foundations of our rich civil society were formally enshrined in the legislature of the united Canada of the time. Those foundations had been conceived in the passion and commitment of two uniquely talented reformers from French and English Canada respectively, Louis-Hippolyte Lafontaine and Robert Baldwin, both statesmen who ensured the peaceful transfer of power from the colonial elites to the Canadian people.

In my part of the world, just a few weeks before the Baldwin-Lafontaine triumph in Ontario and Quebec, the brilliant Joseph Howe engineered the reform movement that won the first responsible government in Canada.

This year marks the two-hundredth anniversary of Howe's birth. Many honourable senators will know that the courageous struggle for a free and unfettered press that he led in the 1830s caused the colonial elites to attempt to ruin him through criminal libel charges. In a Halifax court, Howe defended himself in a remarkable six —and —one —half hour speech, which would be interesting reading for all honourable senators and for all students of Canadian history today.

At one point in that speech, Howe said:

My public life is before you. And as a journalist, the only questions I ask myself are, What is right? What is just? What is for the public good?

Honourable senators, as we meet in the dawn of a new session of Parliament, we reflect on the spirit of the great reformers of 1848. They helped formulate the first principles of our Canadian identity. Those first principles were all rooted in answers to questions that Joseph Howe had posed in his spirited defence a long time ago.

Honourable senators, as we begin this session, as we chart the difficult seas ahead, we would be wise to remember Joseph Howe's words. The engine of our dedication was and shall always be the public good. Our navigator was and always will be what is right. Our North Star now and forever must be justice. That is the way of our ancestors, that is the way of generations past, and that will and must always be the way of this and generations yet to come.

DONNA L. ROUTLIFFE

CONGRATULATIONS ON THIRTY YEARS OF SERVICE

Hon. Colin Kenny: Honourable senators, I rise not to celebrate a two-hundredth anniversary but a thirtieth anniversary of a person who is important in my life and in the operation of my office. I speak of Donna Routliffe, whom many of you may know. Donna first worked here for Louis Robichaud, for a decade, and has been a faithful servant of the Senate for 20 years with

me. She is remarkable in the way she organizes my office and keeps the show on the road. She makes a huge difference in terms of the work of my office — and, in fact, I think, of the offices of most people on that floor of the Victoria Building.

This is an opportunity for me to say thank you publicly to her for her help and loyalty, and above all for putting up with me for the last 20 years — quite an achievement.

Hon. Senators: Hear, hear!

BLACK HISTORY MONTH

Hon. Donald H. Oliver: Honourable senators, I wish to take this opportunity to add to the comments I made yesterday. I am honoured to speak again this year about the importance of Black History Month in Canada. Black History Month is more than just a celebration and more than just learning about history. It is about claiming the rights of Black Canadians as equals in society.

In North America, we have recognized Black history annually since 1926, first as Negro History Week and later as Black History Month. The reason it is so important is that Black history had barely begun to be studied or even documented when the tradition was originated.

Blacks have been in Canada for hundreds and hundreds of years, but it was not until the 20th century that we began to gain a respectable presence in our history books. As honourable senators will know, we owe the celebration of Black History Month, and indeed the study of Black history, to Dr. Carter G. Woodson. He was born to parents who were former slaves and spent his childhood working in the Kentucky coalmines. He enrolled in high school at the age of 20; he later graduated from Harvard with a Ph.D. He was an outstanding and distinguished scholar and was disturbed to find that history books largely ignored the Black American population.

Dr. Woodson chose the second week of February for Negro History Week, as it then was, because it marks the birthdays of two men who greatly influenced the Black American population, namely, Frederick Douglass and Abraham Lincoln.

You may ask, in the year 2004, why it is necessary to devote an entire month to the promotion of one group — Black people in Canada. The answer is that we still have a long, long way to go. Even now in our cities, racial profiling is a flash point between law enforcement officers and Blacks. As you know from the remarks I made under Senators' Statements yesterday, in Halifax and in Toronto, Black men complain frequently of being stopped more than others by police, and it is often because of racism and discrimination.

Honourable senators, I raise the issue of the reasons for celebrating Black History Month in the Senate each year because it is my belief that you, too, can help obliterate racism. Our diversity is what makes Canada strong, and anything you can do to help promote equality for all will strengthen our great country.

TRIBUTE

THE HONOURABLE JACK WIEBE

Hon. Joyce Fairbairn: Honourable senators, first, I also wish to welcome an old friend, Senator Lawson, to this side of the house.

It is about time, Senator Lawson. I am very pleased to have you here

Today, I should like to do what others did yesterday, that is, pay tribute to another colleague who, to me, was among the finest, the kindest and the most honourable ever to have served in this chamber during the almost 20 years that I have been a senator. I am speaking, of course, of Senator Wiebe, who has left this place having spent three outstanding years as a senator from Saskatchewan.

As we all know, Jack rose to extraordinary heights in the public life of his province — from being a member of the legislature in Saskatchewan to becoming the lieutenant-governor of that province. He served with all the major agricultural boards and committees, and was loyally involved with our Armed Forces, becoming an honorary member in recent years.

However, Jack Wiebe never moved an inch from his roots as a farmer. He was a grain farmer and then moved into the livestock business. As a member of the Standing Senate Committee on Agriculture and Forestry for many years, I can say that he has been one of the most outstanding representatives of our very important agriculture industry, which at this time is at such risk in Western Canada.

Jack is on top of the world in terms of titles. However, in looking through his history, I learned that he has also been honoured as a member of the Royal Regina Golf Club, as an honorary member of the Saskatchewan Curling Association, as an honorary member of the Saskatchewan Commissionaires, and with the Master Farm Family Award. Senator Wiebe never left his people or his roots. We will miss him more than one can imagine in our work on agriculture at this difficult time.

However, Jack's beloved wife, Ann, knowing that there is a big world out there, believes that she, Jack and the family had better take some time to investigate it. We all wish Jack and Ann and the family the greatest happiness in the future.

I know that my friend Senator Banks will miss Jack Wiebe a great deal. I will always remember the two of them telling me that they were leaving the building "for a breath of fresh air." I knew perfectly well that they were going out for a puff. I was never able to persuade Jack that smoking was his sole weakness and that he should get rid of it.

Honourable senators, we will have wonderful memories of a wonderful contribution by a wonderful man.

• (1350)

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I would like to draw your attention to the presence in our gallery of two special guests. They are Ms. Ed Lawson and Donna Routliffe, who have a special interest in today's proceedings.

Welcome.

[Translation]

ROUTINE PROCEEDINGS

HUMAN RIGHTS COMMISSION

REPORT ENTITLED "PROTECTING THEIR RIGHTS:
A SYSTEMIC REVIEW OF HUMAN RIGHTS
IN CORRECTIONAL SERVICES
FOR FEDERALLY SENTENCED WOMEN"

The Hon. the Speaker: Honourable senators, I have the honour to present the report of the Canadian Human Rights Commission entitled: "Protecting Their Rights: A Systemic Review of Human Rights in Correctional Services for Federally Sentenced Women," in accordance with the Canadian Human Rights Act.

[English]

RULES, PROCEDURES AND
THE RIGHTS OF PARLIAMENT

REPORT PURSUANT TO RULE 104 TABLED

Hon. Lorna Milne: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Committee on Rules, Procedures and the Rights of Parliament. This report outlines the expenses incurred by the committee during the Second Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 37.)

[Translation]

CRIMINAL CODE

BILL TO AMEND—FIRST READING

Hon. Jean Lapointe presented Bill S-6 to amend the Criminal Code (lottery schemes).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Lapointe, bill placed on the Orders of the Day for second reading at the sitting two days hence.

[English]

REPRESENTATION ORDER 2003 BILL

FIRST READING

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): presented Bill S-7, respecting the effective date of the representation order of 2003.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Kinsella, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

NEED FOR COMPREHENSIVE
WHISTLE-BLOWING LEGISLATION

NOTICE OF INQUIRY

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I give notice that on Tuesday next, February 10, 2004:

I shall call the attention of the Senate to the weakness contained in the report released by the Honourable Denis Coderre entitled: *Report of the Working Group on the Disclosure of Wrongdoing* and the need for comprehensive whistleblowing legislation.

OFFICIAL LANGUAGES

BILINGUAL STATUS OF CITY OF OTTAWA—
PRESENTATION OF PETITION

Hon. Jean-Robert Gauthier: Honourable senators, I have the honour to present 1,000 petitions today. You are familiar with the subject. In my view, petitions are important because they are democratic tools to express the wishes of the public. The petitioners — there are some 1,000 — call upon Parliament to recognize Ottawa, Canada's capital, as a bilingual city.

That the Canadian Constitution provides that English and French are the two official languages of our country and have equality of status and equal rights and privileges as to their use in all institutions of the Government of Canada;

That section 16 of the Constitution Act, 1867, designates the city of Ottawa as the seat of the Government of Canada;

That citizens have the right in the national capital to have access to the services provided by all institutions of the Government of Canada in the official language of their choice, namely English or French;

That Ottawa, the capital of Canada, has the duty to reflect the linguistic duality at the heart of our collective identity and characteristic of the very nature of our country.

Therefore, the petitioners call upon Parliament to affirm in the Constitution of Canada that Ottawa, the capital of Canada—the only one mentioned in the Constitution — be declared officially bilingual, under section 16 of the Constitution Acts from 1867 to 1982.

Honourable senators, I could read all 1,000 petitions, but I would not want to try the patience of my honourable colleagues. I believe that everyone understands the importance of these petitions.

[English]

QUESTION PERIOD

JUSTICE

INVESTIGATION INTO MAHER ARAR CASE
SEIZURE OF JOURNALIST'S DOCUMENTS
COMMENTS BY PRIME MINISTER

Hon. A. Raynell Andreychuk: Honourable senators, I wish to return to the Maher Arar case, which I am sure will not surprise the Leader of the Government in the Senate.

It has been 24 hours since I asked my first question concerning this case. At that time, Senator Austin replied by stating that he believed the Prime Minister was giving Ms. O'Neill the benefit of the doubt, that a person is innocent until proven guilty and that the Prime Minister indicated she was not a criminal, meaning not a criminal at that point. I am sure that since I asked my question yesterday Senator Austin has had an opportunity to investigate this issue. Was that the interpretation the Prime Minister was inviting us to take from his statements, or was he saying that he believed a reporter in that situation is not a criminal?

Hon. Jack Austin (Leader of the Government): Honourable senators, I can add nothing to my answer of yesterday. I believe it was complete and accurate.

Senator Andreychuk: Honourable senators, I believe Senator Austin indicated that this was not a particular question he had taken up with the Prime Minister. Has the Leader of the Government had the opportunity to clarify so that we may have a definitive decision? Was the Prime Minister indicating that he believed reporters in such situations should not be subjected to that type of search, or was he simply commenting that she is not a criminal because due process has not taken place, which leads me to believe that she was properly under investigation and warrant?

Senator Austin: Honourable senators, I will endeavour to make the necessary inquiries. I was of the belief that Senator Andreychuk was comfortable with my answer of yesterday. I see she is not. As such, I will make further inquiries.

• (1400)

REVIEW OF SECURITY OF INFORMATION ACT

Hon. A. Raynell Andreychuk: I have a supplementary question. I certainly was comfortable with the honourable senator's answer; it is the Prime Minister's answer that I am having difficulty with.

It has come to my attention that someone in the government is looking at, or preparing an amendment to, the section of the Security of Information Act that I referred to yesterday. My question to the Leader of the Government in the Senate is this: Is there an ongoing review or a departmental policy at this time to amend that section in the Security of Information Act? If so, who is the lead minister?

Hon. Jack Austin (Leader of the Government): Honourable senators, I thank the honourable senator for her clear question. I shall endeavour to make the appropriate enquiries to provide as clear a response as possible.

REVIEW OF ANTI-TERRORISM ACT

Hon. Gérald-A. Beaudoin: Honourable senators, I have a supplementary question in respect of the Arar case. When a special committee of the Senate considered Bill C-36, which was enacted as the Anti-terrorism Act, many of us on the committee knew well at that time that it would be difficult to legislate and to draw a line between security of the people and respect of individual rights under the Canadian Charter of Rights and Freedoms. This is why, in our deliberations of Bill C-36, we discussed at length the issue of sunset clauses, oversight and review.

My question for the Leader of the Government in the Senate is this: Is it not mandatory to come back to the fundamental question of disclosure of information and be ready to legislate now? The Arar case is the perfect example of law in the making. I am not surprised at all. Independent of the inquiry now established, we should re-open the discussions that took place in the study of Bill C-36 in respect of the Anti-terrorism Act. Is the government ready to do that?

Hon. Jack Austin (Leader of the Government): Honourable senators, it is my information that the legislation to which the honourable senator refers has a sunset provision, which takes effect at the end of this year. I believe the government will undertake, if it has not yet undertaken, a study of that legislation and will have further proposals to make.

Senator Beaudoin: Honourable senators, it is true that the review clause applies to December of this year. However, I think discussions should take place during this third year, before December, because it is important. There may be an inquiry and it may be useful, but the Charter of Rights and Freedoms exists and we must comply with it. We may have to wait six or eight months for the inquiry to be completed, whereas the Charter is in place now. Either the Legal and Constitutional Affairs Committee or another committee should look at this legislation.

We have to do something, because section 8 of the Charter provides the right to be secure against unreasonable search and seizure. What happened to Mr. Arar, *prima facie* at least, was not

reasonable. We are in the third year, to which the review clause applies, so why must we wait until December? Why not review this fundamental question right away? At least we would be doing something about this issue. I do not think an inquiry will solve all the problems in this instance.

We cannot escape studying this issue in the Legal and Constitutional Affairs Committee or in the Senate in light of the review clause. We knew when we studied Bill C-36 that we would have to return to the issue — which is why we included a three-year review.

Senator Austin: Honourable senators, I think Senator Beaudoin's points have to be given the most serious consideration. I cannot imagine a situation whereby a process would not be put in place to examine the operation of the current legislation and to make recommendations to Parliament with respect to an ongoing regime. I shall make enquiries and advise the honourable senator as soon as I am in a position to do so.

Senator Beaudoin: Honourable senators, if I may, the third point is this: We have given more power to the police, and I understand that, and more power to the Attorney General. However, we escaped the question of a possible recourse in the courts. I have always said that this is difficult because the best way to respect the Charter of Rights is to give a right of appeal to the judicial branch of the state and to not leave that available only to the executive branch or to the legislative branch. I hope it will be considered as soon as possible.

PRIME MINISTER

REPORT ON FORMER PRIVATE BUSINESS DEALINGS WITH GOVERNMENT Tabled IN THE HOUSE OF COMMONS

Hon. Marjory LeBreton: Honourable senators, my question is for the Leader of the Government in the Senate. Yesterday, the Prime Minister responded to a question from the Leader of the Opposition in the House about government contracts in the amount of \$161 million received by Canada Steamship Lines, CSL. The Prime Minister said: "I have not been involved in the company for some 15 years."

Could the Leader of the Government in the Senate tell us why the Prime Minister met with the trustees of his blind management agreement for regular briefings on CSL if he was not involved in the company?

Hon. Jack Austin (Leader of the Government): Honourable senators, I am sure there will be a long list of questions in this respect.

Senator Lynch-Staunton: How about answers?

Senator Austin: Honourable senators, I would ask the front row of senators to allow me to respond to the senator sitting behind. Senator LeBreton deserves respect for her question, and I am hopeful that honourable senators will give her that respect.

Senator Nolin: I want to respect your answer.

Senator Austin: If the honourable senator would give me an opportunity, I will respond.

Honourable senators, the Prime Minister made it clear that the system under which his assets in CSL were placed in trust was under the administration of Mr. Howard Wilson, the Ethics Counsellor. The rules laid down with respect to cabinet ministers were the responsibility of former Prime Minister Chrétien. Cabinet ministers must always be the responsibility of the Prime Minister. Mr. Martin complied with the rules that applied to him.

MEETINGS WITH ETHICS COUNSELLOR ON BLIND TRUST

Hon. Marjory LeBreton: Honourable senators, I have a supplementary question. Last summer, I filed an access to information request with the Ethics Counsellor respecting the number of meetings held between the Ethics Counsellor and Mr. Martin about the holdings in his blind management agreement. The Ethics Counsellor provided documentation that showed a number of meetings between the then Minister of Finance and his trustees. The Ethics Counsellor also said that Mr. Martin was allowed to receive regular updates about major new CSL ventures.

Does the Leader of the Government in the Senate not agree that regular updates on and meetings about a person's holdings constitute an involvement in the company?

Hon. Jack Austin (Leader of the Government): Honourable senators, Mr. Martin, as Minister of Finance, complied with the code of conduct rules laid out by Mr. Chrétien — and that is not in doubt. Mr. Martin has also said that perhaps those rules need to be reviewed, in the light of experience. I suppose Senator LeBreton and I could agree that further attention to those rules would be desirable. The rules put in place by the Prime Minister in respect of this government have been tightened. I would be happy to provide the honourable senator with a copy of those rules, if she has not yet studied them.

• (1410)

Senator LeBreton: Honourable senators, the Leader of the Government in the Senate should perhaps speak with the Prime Minister about his choice of words when he makes the claim — erroneously, according to my contact with the Ethics Counsellor — that he has not been involved with the company for 15 years, when that is clearly not the case.

Hon. Gerry St. Germain: Honourable senators, I forewarned Senator Austin that I would ask a question, but I did not realize there would be a question on ethics. I truthfully did not know, but I do now.

Senator Austin, as Leader of the Government in the Senate, is telling honourable senators that when he was a cabinet minister — and when I was a cabinet minister — we had blind trusts. Have I heard him correctly? Has he now said that Howard Wilson, the Ethics Counsellor, set the rules in regard to blind management agreements and trustee meetings between cabinet ministers?

When I was in cabinet, there was no vision. It appears that the blind trusts set up under Prime Minister Chrétien and Mr. Wilson had 20/20 vision. What is wrong? In taking on the responsibilities of ministers of the Crown, most of us have lost a considerable amount of money as a result of blind trusts. The Leader of the Government is telling us that Mr. Wilson and Prime Minister Chrétien set the rules and adjusted them so that ministers could meet and discuss the goings on of their businesses. Is that what the honourable senator is telling this place and telling Canadians?

Senator Austin: Honourable senators, I, too, recall the costs of blind trusts for a member or senator in cabinet. I could not agree more completely with the honourable senator with respect to the cost to individuals in cabinet. It is often the case that those assets are not administered the way in which the individual might want them to be. It is one of the costs of public service.

When Mr. Martin was Minister of Finance, I can only advise honourable senators that he was permitted to receive certain information in the presence of the Ethics Counsellor so that anything that might have been conveyed about his assets in a blind trust was conveyed in a way consistent with the rules of that blind trust.

Senator Kinsella: What does that mean?

Senator St. Germain: Does it mean that although his corporations are in a blind trust, in the presence of the Ethics Counsellor he can hear everything that is going on with his businesses and can carry on with his ministry and make decisions that may benefit his corporations as a result of being the Minister of Finance?

The Leader of the Government says that things have been tightened up under the new administration. If this is true, why not just close the door on this practice and establish something else so that we do not have a lapdog Ethics Counsellor? We would then have a situation where a minister could do his job and could not in any way shape or form benefit his corporations by virtue of his position as a minister of the Crown. Why can the Leader of the Government in the Senate not stand up and say that we will shut the door and go back to the way it was when he and I were ministers, and not have this Jean Chrétien flim-flam or swinging door policy? Under the leadership of my honourable friend, we could do a lot better.

Senator Austin: Honourable senators, it is very clear that British Columbia senators like to present their points with vigour, and the answers, I hope, with accuracy and clarity.

First, I want to take the question apart a bit. There is no accusation anywhere that Mr. Martin benefited in any improper way in his role as Minister of Finance. I know that the honourable senator did not mean it, but I want to be clear that we are talking about standards, not the behaviour of Mr. Martin or of the Ethics Counsellor.

Second, I want to ask the honourable senator as a businessman — because he was a very successful businessman and is regarded as such in British Columbia — whether he wants to bar from public office people who have been successful in business life? If he does not, there must needs be a careful analysis of what should be expected with respect to the management of assets in a blind trust. That issue is relevant and a review of those standards is appropriate.

Third, I am pleased to hear how concerned the honourable senator is about standards of ethics and codes of conduct, and I see him creeping very close to supporting Bill C-34. I hope to push him over the edge.

Senator St. Germain: Honourable senators, if my words came out in an enthusiastic way, I never meant to accuse Mr. Martin of having benefited. However, given that he may have benefited or could have benefited, I think Canadians deserve better. Canadians deserve a scrutiny of ethics that leaves no doubt. I am not standing here accusing anyone, but the fact that he may have or could have benefited sells Canadians short on what they deserve as far as ethics are concerned.

The honourable senator protects the Ethics Counsellor. I question anyone who would try to protect the Ethics Counsellor and the way he has conducted matters based on the historical past of the other place and this place as far as cabinet ministers are concerned.

With regard to barring businessmen from public office, I entered politics and it cost me a lot. However, I have no regrets. This is the price one pays to serve one's country. I know there will always be good business people. I do not think we should hide behind that.

I ask again: Is the government prepared to shut the door as opposed to tightening things up?

Senator Austin: Honourable senators, I want to be clear in my agreement with Senator St. Germain that the integrity of government and the integrity of members of Parliament is absolutely paramount to the way our system works. I concur with the honourable senator that standards must be reviewed and revisited in light of the experience that we have had here.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I would like to draw your attention to the presence in our gallery of guests. They are Chief Abraham Rupert of the Cree Nation of Chisasibi from the James Bay region of Quebec and his economic and housing officers.

• (1420)

PRIME MINISTER

MEETINGS WITH ETHICS COUNSELLOR ON BLIND TRUST

Hon. Pierre Claude Nolin: Honourable senators, we will get back to the real question. My question is directed to the new leader of the old government. I congratulate him on his appointment.

[Senator Austin]

The first question has not been answered. The leader alluded to all kinds of good things, such as integrity and transparency. The real question is integrity not only of members of Parliament and members of this house, but of Parliament itself. Did the Prime Minister mislead Parliament and the country yesterday when he said that for the last 15 years he has not been involved? Everyone knows that he received briefings on the evolution of his supposedly blind trust. That is the real question. Did he mislead Parliament and the country?

Hon. Jack Austin (Leader of the Government): Honourable senators, the answer is a categorical no; he has not misled Parliament or the country. The Prime Minister was not involved in the management of CSL, and he excused himself from any issues related to the management of CSL. That is clear and he has made it clear. I will not admit to the reality of any suggestion that the Prime Minister has in any way done anything incorrect.

Senator Nolin: What does the word “involvement” mean to the government leader and to his government? I would ask him to be honest with us and with Canadians. For ordinary Canadians, being involved means being in charge. Tell us what “involved” means.

Senator Austin: I would appeal to all honourable senators, but particularly senators on the other side, to either maintain courtesy and comity toward individuals, as our rules require, or to make charges against someone for breaching the rules. If Senator Nolin wants to make a charge against the Prime Minister, I invite him to do so under the usual procedures.

[Translation]

Senator Nolin: I withdraw the offensive remarks.

[English]

I still want to know what it means to be involved.

Senator Austin: Honourable senators, it does not mean to have a role in any decision-making process with respect to one's personal assets.

Hon. David Tkachuk: Honourable senators, Senator LeBreton asked, “I wish to request all records relevant from 1993 to 2002 relating to all meetings held by the Honourable Paul Martin with respect to holdings held in a blind management agreement on file with the Office of the Ethics Counsellor.” They had 19 meetings, of which Mr. Martin participated in 16. If he was not involved, and he had nothing to do with the management, what on earth were they meeting about?

Senator Austin: Honourable senators, under the rules that were laid down by Prime Minister Chrétien and administered by Mr. Wilson, it was possible for Mr. Martin to be given certain information with respect to his company in the presence of Mr. Wilson, the Ethics Counsellor. I was not a party to those

meetings. I do not know what information passed between them. If further information is sought and Senator LeBreton is not able to be satisfied, I will do whatever I can to assist in knowing what took place. However, I believe that the information with respect to those meetings is considered private and not available to Parliament under those rules.

Senator Tkachuk: Honourable senators, if Mr. Martin was being briefed — I am not sure if that is the right word — or given information as to what was transpiring in his company, surely the question of \$161 million in contracts versus \$137,000 in contracts would be relevant in the briefing. We are talking about the Minister of Finance here, not someone unacquainted with numbers. If he was being briefed on matters that had to do with potential conflicts of interest, he would have had a good idea of how much business his companies had received.

Senator Austin: Honourable senators, I cannot speculate as to what might have taken place in those meetings. All I can tell senators is that the Prime Minister has advised that he was not involved in any decisions with respect to the running of CSL while he was Minister of Finance.

Senator Tkachuk: He would have received CSL Group financial statements in April/May 1994. If he did, then he would have been receiving financial statements that were conveniently blocked in all the other meetings. However, I would guess that if he received financial statements one year, he would have received financial statements every year; therefore, when the government revealed the figure of \$137,000, he knew it was \$161 million, or he should have known.

Senator Austin: That is leaping far into unknown destinations. I absolutely refute the logic that Senator Tkachuk is trying to develop here. I can tell him that everyone who has a blind trust is advised periodically of the value of the assets within the blind trust.

Senator Kinsella: What is “periodic”?

HEALTH

AVIAN FLU—DEPLOYING OF SCIENTIFIC AID TO ASIA

Hon. Wilbert J. Keon: Honourable senators, I have a question for the Leader of the Government in the Senate. First, allow me also to congratulate him and his leadership colleagues on their appointments.

The World Health Organization has warned that an outbreak in Asia of avian flu, or bird flu, may pose more of a threat worldwide than did the SARS outbreak. Ten Asian countries have reported incidents of bird flu in poultry, and millions of chickens have been either killed by the disease or slaughtered. Fifteen people have died to date, mostly from direct contact with infected chickens, but cases of human-to-human transmission of the disease are being investigated.

Two Health Canada officials are currently in Thailand, but the WHO has asked Canada and other countries to send more help. Could the Leader of the Government in the Senate tell us if Canada will send more scientific expertise to Asia to help contain this disease?

Hon. Jack Austin (Leader of the Government): Honourable senators, Senator Keon asks a question on a very important matter of global health. As he well knows, there are real concerns about an avian flu pandemic. Much scientific information is not yet at hand but is being worked on very aggressively, and Canada is participating in that process. I cannot tell the senator who has been sent or who has been requested to be sent at this stage, but I will look into the matter quickly and try to provide further information on the degree of participation in the global efforts of the World Health Organization.

ORDERS OF THE DAY

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Trenholme Counsell, seconded by the Honourable Senator Massicotte, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the Third Session of the Thirty-seventh Parliament.—(1st day of resuming debate)

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, may I first say to His Honour how pleased I am to see him continue in the role that he carries out here, not only with competence but often with a patience that would try many others. As the fourth-ranking official in the Table of Precedence, he is called upon to represent the government at the highest levels, both in Canada and abroad. This can be most demanding, and he is to be commended for how well he carries out these responsibilities with, he will be the first to agree, no small assistance from his charming wife Kathy.

• (1430)

[Translation]

I would also like to congratulate Senator Pépin on her renomination to the position of Speaker *pro tempore*, a role she performs with distinction.

[English]

I welcome colleagues who have been named to the government leadership and congratulate them warmly on their appointments. Perhaps I should not point this out, but this is the fifth government leadership team since 1993 faced by the opposition. I can assure its members we will react to them and to their initiatives with the same open-mindedness and objectivity as we have in the past.

Senator Carstairs: Nice try.

[Translation]

Senator Lynch-Staunton: The role of the opposition in the Senate is not to oppose for the pure pleasure of it. When the opposition opposes, it does so knowing that the elected representative is entitled to the last word. Meanwhile, the elected representative is too often constrained by certain pressures that do not always allow him to take a position other than the one imposed on him. The new Prime Minister has repeatedly promised to let members of the House of Commons think and decide for themselves, something which they have not been allowed to do for far too long. Time will tell. In the meantime, the Senate must continue giving everything a sober second look, scrutinize each bill submitted to it, and make any amendments it deems appropriate in order to improve legislation.

I would like to remind this House that, contrary to the 1980s, when the opposition systematically fought every controversial government bill simply to make things difficult — we will not soon forget the infamous so-called debate on the GST — the opposition that I lead has always been respectful of the decisions of the House of Commons, whether or not it agrees with them, and even when it formed the majority.

Only two bills were targeted for unconditional defeat: the Pearson bill and the legislation to delay the electoral boundary redistribution process until after the 1997 election. Why? Because these two bills were clearly unconstitutional.

I can assure our colleagues opposite that the word “obstruction” is not part of our vocabulary. Any opposition to legislation will continue to be based on sound arguments, as will any amendments put forward. We expect this government not to be so blinded by its overwhelming majority that it thinks it can do as it pleases. No parliamentary system can function properly if the opposition is not recognized as playing a crucial role and efforts are made to thwart it, which has happened far too often recently.

[English]

The mover and the seconder of the Address in Reply to the Speech from the Throne are to be commended in their brave attempts to continue the charade that the text, embarrassingly imposed on the Governor General, continues in the tradition of throne speeches when in fact it is nothing more than a Liberal Party manifesto delivered and distributed at public expense. It is but another crass use of Parliament and the public service as allies, willing or not, in pre-election preparations that date back to one phone call to convince Elections Canada that the new electoral map, which, by law, comes into effect on August 25 of this year, can be ready for implementation any time after April 1.

In November, the Prime Minister prorogued Parliament with a great deal of important legislation yet to be voted on. What matter bills on subjects such as increasing penalties to better protect animals from cruelty, enhancing anti-terrorist measures,

adding penalties for those who set traps that might injure or kill policemen or firefighters or putting in place a registry of sex offenders — to name but a few bills that the government killed through prorogation?

What matter the important business of the nation as compared to the need to avoid having a former Prime Minister sit in the House only a few seats away from his successor who, for over 10 years, had relentlessly campaigned to replace him?

Of course, it was convenient to blame the Senate for holding up legislation and even, according to some, for killing bills. What an affront, people said, to the elected House. The reality is that the Senate did no such thing. The Senate was quite willing to, and indeed had been scheduled to, return after the Remembrance Day break and continue its work. Certainly, those in opposition repeatedly urged this. Nevertheless, it was more important for the Liberal Party to avoid having Messrs. Martin and Chrétien in the same room following the artfully crafted Liberal leadership love-in, and Parliament was prorogued by PMO fiat.

I can recall no greater use of Parliament for partisan purposes than what has been going on in the last year, and to describe treating the democratic process so shabbily as an affront to the Canadian people is too kind, to say the least.

Now, after a three-month hiatus, we have before us a so-called Speech from the Throne, mere weeks from an election, providing the government succeeds in its announced intention to tamper yet again with the Electoral Boundaries Redistribution Act to meet its partisan political objectives.

Throne speeches are intended to outline the government's agenda and are looked to for fresh, innovative recommendations in the form of immediate legislation. What we can expect, instead, are a few bills from the last session to be pushed through by Easter or just before an election is widely expected to be called, while other bills will not even get close to Royal Assent and will conveniently fall off the Order Paper — preferably the Senate's, so that we can once again be blamed for “killing” legislation — when Liberal Party strategists order a dissolution of Parliament in early April.

For nearly a year, Mr. Martin has made it known that, as Prime Minister, he would not call an election unless a new electoral map were in place, a map that adds seven new seats to the House of Commons — three in Ontario, two in Alberta and two in British Columbia. Not long after these public musings, one of his political advisors telephoned the Chief Electoral Officer to enquire if the new boundaries could come into effect earlier than the current law provides — that is, on August 25, 2004. Lo and behold, the Chief Electoral Officer let it be known that everything could be in place for any election held after April 1 this year as far as Elections Canada was concerned.

Senator LeBreton: Got a job for his son.

Senator Lynch-Staunton: Preparations to meet this new deadline were begun immediately, not only without any public consultation to ascertain whether this would cause any problems with other political parties, independent candidates and others directly involved in the electoral process, but, even more startling, without any specific legislative authority, which the Chief Electoral Officer himself stated was required in a news release dated August 25, 2003, in which it is said, and I quote:

The new boundaries will be in force upon the first dissolution of Parliament that occurs at least one year after the day on which the proclamation was issued. If Parliament is dissolved for a general election within that one-year period, the existing electoral boundaries will be used. This period of time can be altered only through a legislative amendment.

Yet, less than three months later, on November 12 to be exact, only four days after the Senate had adjourned with Bill C-49 still on its Order Paper, the Chief Electoral Officer in a press release stated:

Elections Canada is ready to conduct a general election under the 301-seat scenario and continues to prepare for a general election under the 308-seat scenario for April 1, 2004.

Should the government reintroduce Bill C-49, the minister responsible and Elections Canada hopefully will satisfy Parliament that preparing "for a general election under the 308-seat scenario for April 1, 2004" was not the result solely of a telephone call from a close supporter of the Prime Minister.

The Electoral Boundaries Readjustment Act has been in place since 1964. It was one of the many great initiatives of Prime Minister Pearson. He introduced it to put an end to gerrymandering by office-holders. The one-year delay from the time the redistribution is proclaimed to its coming into effect is meant to give to all involved in the federal election process adequate time to adjust to the revised electoral map.

If there is one law that must be immune from amendments for strictly partisan purposes, surely it must be this one. Yet for the Liberal Party — which treats the House of Commons as a compliant, majority-owned subsidiary available to pass legislation favourable to its efforts to remain in office — no law is immune to any change of which the immediate purpose is political advantage.

In 1994 and 1995, the Liberal government tried twice to amend the Electoral Boundaries Readjustment Act to delay redistribution based on the 1990 census until after the 1997 election. A number of newly elected Liberal members in Ontario were surprised and annoyed when they discovered that they might be disadvantaged by the new electoral boundaries. As one Liberal MP put it:

I worked twenty years to get here. Within two months I lost my seat, which is not fair.

This shameless and shameful attempt at manipulating legislation for partisan purposes only failed because the Progressive Conservative opposition in the Senate stepped forward to protect the integrity of the electoral process and did not hesitate to use delaying tactics to effectively kill it. Should this Liberal Government persist in its efforts to bend electoral laws to its partisan advantage by reintroducing Bill C-49 in this session, a bill which brings the new electoral map into effect earlier than the law currently permits for the next election only, hopefully the Senate will be as adamant and principled in its stand as it was then.

• (1440)

Furthermore, if the Prime Minister is serious in addressing what he calls a democratic deficit, let him begin by recognizing that Parliament is based on the party system and that it cannot function properly unless there are at least two political parties recognized as worthy of consideration to form a national representative government. The Conservative opposition, fractured as it was, has only itself to blame for Canadians' refusal in 1997 and again in 2000 to accept either of its separate parts as deserving of enough support to win a majority. Now, since early December all this has changed with the merger leading to the founding of the Conservative Party of Canada. Surely, even those who do not support the new entity will find it crass, to say the least, for the Prime Minister to call an early election to take advantage of the fact that the main opposition party is still in a formative stage. To do so would only worsen the democratic deficit, and any attempt to differentiate himself from his predecessor, for whom election victories were all that mattered, will be for naught.

Meanwhile, we continue to witness election preparations in the form of straight-faced ministerial announcements that are nothing other than poorly camouflaged Liberal Party strategy.

The Chrétien government sloughed off to its successor any decision on same-sex legislation by conveniently asking the Supreme Court for constitutional guidance. But, horror of horrors, the Supreme Court let it be known that its opinion might be ready by mid-April. The subject is controversial enough as it is, but to have the Supreme Court's opinion make it even more so during an election campaign is simply not acceptable to the Liberal Party. What better way to postpone the opinion than by throwing another question into the mix, as the Minister of Justice did last week — the same Minister of Justice who, as a backbencher, would have been appalled at making the Supreme Court an unwitting partner in pre-election preparations, not to say offended at the cowardice of the government in not taking the initiative itself.

For months, there has been a widespread call for a public inquiry into what is known as the Arar case. Both Mr. Chrétien and Mr. Martin repeatedly saw no need for one until the RCMP search of the office and home of a newspaper reporter. Mr. Martin, never one to miss an opportunity to ingratiate himself with the press, leapt to the reporter's defence, assured Canadians that she was not a criminal, and showed concern with

how the RCMP conducted itself, yet at the same time pleading complete ignorance of RCMP activities. Had he shown the same anxiety over a similar well-publicized search of the home of the former Premier of British Columbia, as well as another equally publicized search of the home of the former President of the Business Development Bank of Canada, Mr. Martin at least would have been consistent in his thinking. As it is, publicly undermining the RCMP to cozy up to the press is simply appalling and casts a long shadow over our national police force, which, whatever its faults, should not have to suffer the humiliation of being publicly reprimanded by a Prime Minister who vainly tried to remove himself from the debate by saying, "I just don't know enough about this case to comment further."

Seeing that the Arar situation was getting out of hand and to try to avoid allowing it to become a subject of questioning in Parliament — or, even worse, an election campaign issue — a public inquiry suddenly became very convenient. The Solicitor General dutifully announced one last week, but, unlike at the time of the announcement of other inquiries and commissions of the sort, she was unable to be anything but vague with regard to the inquiry's work, admitting that "the details of the terms of reference will be finalized in consultation with Mr. Justice O'Connor and made public upon completion." How convenient! By the time Mr. Justice O'Connor gets down to work, Liberal Party wizards are certain that the spring election they are counting on will be history; meanwhile, any question here or in the other place on the Arar matter will be considered unacceptable since it has been referred to a public inquiry under the Inquiries Act.

What a cowardly contrast with British Prime Minister Tony Blair, who, when confronted with serious accusations surrounding the Kelly affair, did not hesitate to appear himself before a parliamentary committee, as did the Minister of Defence and a number of senior government officials. With doubts still lurking, Prime Minister Blair then appointed a distinguished jurist to go into all aspects of the affair with a firm hand. The point is not that the Hutton report exonerated Mr. Blair; it is that Mr. Blair did not try to hide behind a public inquiry, as does Mr. Martin, but confronted the issue head on, which Mr. Martin is refusing to do. The Hutton report is controversial, more than one person calling it a "whitewash," but it is being debated in the British Parliament this week.

The main purpose of the speech is to continue the myth that a new Prime Minister means a new government. Certainly, today, nothing could be further from the truth. Mr. Martin was a senior minister in the Chrétien government for nine years and three elections, endorsing every piece of government legislation and tolerating every government scandal. To attempt to detach himself from that of which he was such an integral part for so long is the height of flim-flam. A co-author of the 1993 Liberal Red Book calling for the end of the GST, as Minister of Finance he relied on the GST as a key contributor toward balancing the books. When the RCMP apologized to Brian Mulroney for wrongly accusing him of engaging in criminal activities, as the Department of Justice did in a letter to Swiss authorities, there

was no corresponding apology from any member of the government, including the then Minister of Justice, who has since been rewarded by Mr. Martin as Ambassador to the United Nations.

Mr. Martin voted for the Pearson bill, which denied the rule of law. He was a party to the HRDC and gun registry debacles by allowing more funds to be misspent and wasted year after year. He allowed some \$7 billion to be shifted to unaccountable foundations and dismissed out-of-hand the Auditor General's devastating comments on the practice. He described the millions wasted in GST heat rebates as miniscule flaws — just another "administrative error," to use a current term. He acquiesced to the shutting down of the Commission of Inquiry on Somalia, just as it was to start the final phase of its investigation involving senior government and military officials. He has kept on Mr. Chrétien's ever loyal Ethics Counsellor. He keeps in place a disgraced Ambassador to Denmark. He kept silent when it was found that Mr. Chrétien had ordered two new and unnecessary Bombardier jets, without tender, to fly himself and his ministers around in even greater comfort. His budgets threw millions into new advertising contracts now subject to RCMP investigation. The list of government financial improprieties goes on and on.

Honourable senators, Mr. Martin's position as Minister of Finance, a senior member of cabinet, was nearly as good as that of the Prime Minister to put an end to these abuses, but instead he turned a blind eye. Why ruffle colleagues in the public interest when their support is essential for personal ambitions?

An early election, we are told, is only right and proper, as Canadians must be allowed as soon as possible to vote on the future of a new government. What new government, I ask? There is not a single new Liberal member in the House of Commons except for a former Bloc member who crossed over, no doubt without being asked if he had signed a loyalty pledge of the sort imposed on Liberal candidates. Except for unimpressive changes on the front bench, the Martin government does not in any way represent a break from a Chrétien government. It is nothing more or less than a continuation of it.

Mr. Martin was number two to Mr. Chrétien's number one. For nine years, they worked together in cabinet. Their voting records in the House of Commons are virtually identical. Any personal animosity that may have developed between them cannot hide the fact that their ambitions, priorities, achievements and failures in government are identical. Any attempt by Mr. Martin and his overly ambitious advisers to now attempt to remove Mr. Martin from the Chrétien record is to engage in a disgraceful rewriting of history that will fool no one.

If the Prime Minister is serious about reducing the democratic deficit, he will keep Parliament in session until at least June, introduce and bring to a vote new legislation, not just that initiated under his predecessor, and give Canadians an opportunity to witness how committed he is to allowing MPs greater freedom in the exercise of their parliamentary duties.

Mr. Martin could start by at least condemning the scandalous use of confidence votes that has marked the government led by his predecessor. Mr. Chrétien, when he felt his leadership challenged, cowered his supporters by threatening an election if a particular vote did not go his way. Who can forget his summoning Liberal members from across the country to vote against an opposition motion urging, as opposed to instructing, the government to compensate all hepatitis C victims of tainted blood and not just those in a given period of time. This had nothing to do with confidence in the government, but everything to do with the Prime Minister's over-inflated ego.

• (1450)

I for one, do not see the need for or, frankly, the usefulness of so-called confidence votes in the modern era. So what if a budget is defeated? Why should this precipitate an election rather than have the government amend its original proposal and submit a revised budget?

I have never hidden my admiration for the American system of government where both the executive and legislative branches of government must work together before any legislation can be approved. The President's budget, as it was on Monday, is submitted to Congress, which can take weeks, if not months, to debate it and bring amendments that may or may not have the approval of the President. A compromise between the two is eventually reached. It can be messy and unnecessarily costly. The point, however, is that all elected representatives actually have a say in the process.

Here, the Minister of Finance tables a budget. More often than not, many of its provisions take effect immediately. Debate ensues, yet Parliament has no input in the budget itself, even when an implementation bill, which may come only months later, is before the other place. In other words, the budget is a done deal once it is delivered and parliamentarians are but silent spectators in its makeup and coming into force.

There is the real democratic deficit, the loss of what the House of Commons should protect at one time at all costs — that is, power over the purse. If Mr. Martin wants elected members to be more involved, what better way than to allow them to study and make recommendations after a budget is tabled? Yes, the government engages in pre-budget consultations, which is commendable, but not enough by itself. Consultations should be allowed after the budget is tabled. Traditionalists will throw up their hands at this, but the fact is that to keep the present system in place is to isolate elected members from their main responsibility.

What better time to introduce a new approach than when Mr. Goodale's budget is tabled sometime in the next few weeks? I urge the government to use the budget as a proposal, rather than a *fait accompli*, and to give the other place in particular reasonable time to examine it and to make whatever recommendations it deems fit.

If, on the other hand, the budget will simply take on the flavour of the Speech from the Throne and be another abuse of Parliament as part of Liberal Party pre-election strategy, then the democratic deficit widens even more and Mr. Martin's concern with it becomes just another leadership campaign commitment easily discarded.

Too many Canadians are alienated from their governments.

That is why the Government is determined to put relations with provinces and territories on a more constructive footing.

Canadians expect government to respect their tax dollars.

Canadians want the Government of Canada to do better in meeting ethical standards.

...the conditions in far too many Aboriginal communities can only be described as shameful.

We must ensure that they —

"They" refers to the military.

— have the equipment and training to do the job.

To this end, the Government will make immediate investments in key capital equipment, such as new armoured vehicles and replacements for the Sea King helicopters.

The Government is therefore committed to a new, more sophisticated approach to this unique relationship.

The relationship being referred to here is with the United States.

Believe it or not, honourable senators, these are not my words. They are from the Speech from the Throne itself.

The Prime Minister, in his pathetic attempts to disassociate himself and his many cabinet colleagues who, with him, served under Mr. Chrétien, has used the Governor General to condemn much of the Chrétien years. If Mr. Chrétien were a bitter man, as fellow Liberals who owed their successes solely because of him and plotted to remove him from the leadership of their party, how must he feel now when so many former colleagues, led by his Minister of Finance, are so openly critical and demeaning of his record, with which nonetheless they will continue to be closely identified?

Winning an election, however, is what this is all about. If the strategy must include condemning the man who kept them in power for 10 years, so be it. Sadly, appearance and perception too often replace reality, when in fact *plus ça change, plus c'est la même chose*.

Some Hon. Senators: Hear, hear!

Hon. Thelma J. Chalifoux: Honourable senators, first, I should like to thank our previous leadership for all the dynamic and dedicated work they did here in our Senate. As well, I wish to congratulate our new leadership for doing this very important work that we are charged with in this chamber. I should also like to recognize the majority of my colleagues across the way in following the trail of Senator St. Germain and the new party.

Today marks the beginning of a new era for all Canadians in the way we govern. The Speech from the Throne is a map that is meant to guide us to make Canada the best place in the world to live.

Building a stronger relationship with the provinces and the regions is a start, but we must also build a stronger and more open relationship with the First Nations, the Metis and the Inuit. Our Aboriginal nations must be recognized as partners in this federation. To deny this partnership will be detrimental to the lives and the future of all Aboriginal people in Canada.

The Aboriginal nations are the fastest-growing nations in Canada. Within five years, over 51 per cent will be between the ages of 15 and 25, a fact that must definitely be taken into consideration.

The government's commitment to a partnership for a healthy Canada is a fundamental one, but how can Canadians stand by while our northern communities and our reserves live with either no health units or health units that are absolutely deplorable in their condition? We have Third World conditions in this country. Some community health units meet all the standards and are very well equipped, but there are many that need either to be torn down or renovated.

Caring for our children is a goal that we all must try to achieve. The Throne Speech speaks of that — which is very ambitious. However, it is spoken of in the urban centres. In the isolated communities of the northern parts of our provinces, the reserves have wonderful preschool programs, but many of our smaller communities do not have any. Those must be taken into consideration.

In my many years of experience as a social activist and an advocate, caring for our children cannot be accomplished unless we heal the whole family. It cannot be just the children; it must be the total family unit. In a holistic way, we must heal our families. How can we stand by and watch our children slowly die as they leave the schools and go home to face the dysfunctional social ills of a family with no social-support services?

Over 51 per cent of Aboriginal families are headed by a single parent, with an average of four children per family. Honourable senators, that is but one statistic — I have seven children.

We must look at our single-parent families and the social-support services that are needed. When I was a single

parent, there were no social-support services. There was nothing. I was not on welfare; I worked all my life. My children have suffered emotionally and socially, even though they are educated. I am proud of each and every one of them. However, there are still many other issues that must be faced by a family headed by a single parent who is a woman.

• (1500)

Because of the changes in social-housing programs — the federal government has given jurisdiction to the provinces. The Aboriginal housing programs are nothing now. That must change. However, because of the changes in social-housing program, these families that live in the inner cities can only live in inner cities because they do not have the money to pay rent to live in decent housing. In the inner cities they have to endure the gangs, the prostitution and all the social ills of an inner city. They come from isolated communities, from northern settlements and from reserves and they have no social support services for them.

When new immigrants come to Canada they are given support services that can easily be accessed. However, when our people come from isolated settlements to the urban centres there are no support services for them. That must be changed. We must begin to look at our conditions in this country because we are really talking about the migration of people within our own country. There cannot be a discrepancy, and there is at this time.

Where is the help for the gang issues? I did a report on gangs. Gangs give our children an identity. Our children have lost their identity because they have lost their culture and they have lost any hope. They live with no hope. Our suicide rates are five to eight times greater than any other segment of our society. Why? It is because there is no hope; and that has to be addressed and taken into consideration. Our elders live in abject poverty because they have only their old age pension. It is a deplorable situation for our elders. The social ills of the family, the poverty, the alcoholism and the abuse of our elders must be addressed.

Our Aboriginal policing commissions must be reinstated. On our reserves and in our Metis settlements large segments of the population are in gangs that are on the wrong side of the tracks involved in smuggling and the drug trade. Yet, when our people want to address those issues and regain authority over the jurisdiction and ruling of their reserves and communities, they get no support. Therefore, our Aboriginal policing commissions must be reinstated.

That was not mentioned in the Speech from the Throne, as such, but it did say that communities would be helped. Those are communities. If we are to look at developing and improving the conditions of our Aboriginal people, we must consider the issue in a holistic way. We must give back the control for Aboriginal housing to the Aboriginal housing associations. A good example is the Aboriginal housing corporation in British Columbia. It is a marvellous corporation and yet they are struggling to retain their authority so that they can work with our Aboriginal people. We need support services and tenant organizations.

We have to really look at how we heal our people as a family unit. Our Aboriginal disabled are victims of jurisdictional wrangling between the provinces and the Department of Indian Affairs and Northern Development. Indian Affairs takes no responsibility for the upkeep of our disabled children after they leave the reserve. There has not been one study on Aboriginal disabled between the ages of 15 and 21 — ever. Why? We must look at the situation of our disabled people and our children, especially.

When our children reach the age of 18, they have nothing. The provinces will give them aid but they have no support services. They cannot receive funding for home care unless a stranger is brought in. Our people need our own families to take care of them but they cannot take care of them without some funding. That situation has to be reviewed.

The Metis have no services relevant to their situations. I have an autistic grandson who has turned 21. He wanted to live independently but my daughter could not afford it. I sold my little house and bought one in Edmonton for her and my disabled son to live in because there are no support services for them — none whatsoever. That truly must be reviewed and considered.

Once again, this is a jurisdictional issue that must be addressed. The Speech from the Throne talked about coming together with the provinces. We have to look at the jurisdictional issues and how the federal government has given over programs to the provinces, which are not picking up the torch. That has to be addressed.

Let me talk about arts and culture. The Metis are the true Canadians. We are part of the First Nations and we are part of the French and the English. We have come together and have been recognized as a nation. We truly are the true Canadians because we are a combination of cultures. Our art shows that, our dance shows that and everything about us shows that. However, that fact is not recognized. If we are looking for a true Canadian identity, let us look at the art, culture and dances of the Metis because that is where you will find it. This has never happened and we are not recognized. The First Nations are recognized; the French are recognized; the Irish are recognized; and we combine all of them to be truly Metis and truly Canadian.

The Speech from the Throne talked about arts and culture but let us talk about the Metis — the Canadian — arts and culture and do something about it. As a result of the *Powley* case, it is imperative that the Metis nation begin serious dialogue on how to become part of the federation of this country. We must be given the opportunity to look at the governing of the Metis nation. The Metis nation has identified, which I have always said, as a western Canadian nation. I think that has to happen too and I hope that it does. That was mentioned in the Throne Speech but to act on it is a different kettle of fish. We must press that issue for the Metis as well.

This is my last speech in this chamber because I will be leaving, as all honourable senators know. I have been emotional in my delivery because my issues are so emotional.

Hon. J. Michael Forrestall: Honourable senators, may I say to the honourable senator how privileged I was to have spent a number of hours with her and the members of the committee that she chaired. I thank her for bringing to my attention the fine spirit of the land, of the wind, of the sun and of the people who founded our nation. I bid Senator Chalifoux well in what you do ahead. I do not expect for one moment that you are about to retire.

Honourable senators, a year, a government and a Prime Minister have changed. However, I see no change in how this Liberal government treats the Canadian Armed Forces, from what I heard in the Speech from the Throne. I draw upon the way in which this government views the Canadian Armed Forces for my evidence in that respect.

I could sit here and commend the government on finally naming the Deputy Prime Minister to the position of Minister of Public Safety and Emergency Preparedness; I could applaud the fact that we have a committee of cabinet dedicated to security, public health and emergencies; I could applaud the government for appointing a national security adviser to the Prime Minister; and I could trumpet the fact that after September 11, the government has finally seen fit to develop a national security strategy; but I will not.

• (1510)

One of the reasons, of course, is that the past two Deputy Prime Ministers — the Honourable Herb Gray and the Honourable John Manley — largely had this role, and now it appears to be mostly an administrative one. The Ad Hoc Cabinet Committee on Security that came about post-September 11 has been made a formal committee of cabinet. I draw all honourable senators' attention to the work of your Standing Senate Committee on National Security and Defence, chaired by Senator Kenny, and the recommendations that we have made in this regard and the actions the government has taken. Sometimes a little recognition of the work done by the committees of this chamber would be appreciated.

Honourable senators, the previous Chrétien government had informally appointed a national security adviser to the Prime Minister. After being dragged kicking and screaming to the table, the government has finally decided that Canada needs a national security strategy. I will be, and I am sure most of us will, quite happy if we ever see one, especially before the next election.

There is, in fact, nothing new here. The government said that there would be immediate funding to replace the Sea King. God knows my question to the Leader of the Government in the Senate, whom I questioned yesterday, would be: If you do not have an answer to my question, just say so and tell me to sit down and start asking questions he can answer. I might give that some consideration. However, do not talk to me about "immediate," "soon," "highest priority" and "going to happen." Do you know when the first money was appropriated? It was in 1978. Who was the Prime Minister? Pierre Elliott Trudeau.

Enough said about that. The government said there would be immediate funding to replace the Sea King and purchase armoured vehicles. How long is "immediate"? In 1994, we were told "before the end of the decade." We know the Liberal definition of "immediate" from the 1994 white paper, when it said, as I just suggested, that the government replace the Sea King before the end of the decade. The white paper did not say it would be sometime around 2010 or 2020, but we will come back to that caper later on.

Unfortunately, what has not changed is this government's loose commitment to having a combat-ready military. Last year, against military advice, the previous Prime Minister decided, for whatever reason, to send Canadian troops to Afghanistan in two huge contingents. Major-General Cameron Ross, a respected soldier, resigned and retired early. I commend to all honourable senators the article by General Lewis MacKenzie, published earlier this week, entitled "Why Cpl. Murphy Died in Afghanistan." Sadly, a young Atlantic Canadian from Newfoundland, Corporal Jamie Brendan Murphy, was killed while patrolling in a piece of junk. I once described it as somewhat akin to an old half-ton farm truck with a shotgun on the back of it. They were patrolling. The vehicle is a suicidal piece of equipment for any rational person to be using in a war zone. I say to the family once again that they have my heartfelt sympathies.

Honourable senators, in August, two Canadian soldiers, Sergeant Robert Alan Short of Fredericton and Corporal Robby Christopher Beerenfenger were killed when their Iltis vehicle hit what I believe to be a purposely planted anti-tank mine. We have heard the argument that you cannot stop a suicide bomber. I have heard the arguments about anti-tank mines. I have a deep respect for the opinion of our Chief of Defence Staff, General Henault.

The fact of the matter is that you have far less of a chance surviving a determined suicide bomber or an anti-tank mine if you are in an Iltis jeep than you would if you were in an armoured vehicle.

I recall for honourable senators the words of Corporal Jeremy MacDonald, who was in the Iltis with Corporal Murphy when he was tragically killed. MacDonald said when interviewed by CBC's *Canada Now* on January 29 of this year that you would think the Canadian government would send our troops out on patrol in "better vehicles than them. I think we should be using armoured vehicles."

As a point of fact, 20-plus per cent of Canadian military personnel are from Atlantic Canada. Twenty-plus per cent of our brave troops in Afghanistan are from Atlantic Canada. Sadly, four of the seven Canadian soldiers killed in that country have been from Atlantic Canada. I make no comment on the abilities of the current Minister of National Defence, but it seems to me passing strange that with many Atlantic Canadians serving our country, constituting the major single group of our young men and women, we do not have either a woman or someone from Atlantic Canada as Minister of National Defence. Perhaps they would have had armoured vehicles.

Let us go back to the issue of the armoured vehicle purchase. Since the government did not name in the Speech from the Throne the armoured vehicle to be purchased, we can only assume it was a quick afterthought for inclusion related to the government's decision to deploy the Iltis to Afghanistan. Our best guess is that it is the long-awaited replacement for the long-in-the-tooth, under-armed and under-armoured Leopard main battle tank, the Stryker vehicle. The government intends to purchase 60 of these vehicles, enough for one of our three regular force armoured regiments. I wonder which ones will not get the Stryker and which will be amalgamated, disbanded or placed on the supplementary order of battle. True to Liberal form, the heavens know that someone will have to pay for this deployment and the Prime Minister might just as well, as his predecessors have in the past, find the money in the military budget. So, many thanks for nothing.

It will take more than a visit to the National Defence Headquarters to convince me that the Prime Minister cares for our military capacity. Where was he at Christmas? Why, like other leaders with troops deployed around the world, did he not go to Bosnia or Kabul? Why was it the Governor General? Is that her primary job, or was it the primary job of the elected leader of our country?

When will the Prime Minister drive down the streets of Kabul in one of those jeeps? When will he have the top down so he can, as has been suggested here, make contact with the people? The current Prime Minister carved \$20 billion cumulatively out of the defence budget when he was Minister of Finance, and now he has much to answer for.

As for the government's commitment to replace the Sea King immediately, we shall have to wait and see how long "immediate" is and whether it comes before an election. As a point of fact, young Canadians predominantly from Atlantic Canada fly in ancient Sea Kings. Will we get an EH-101 or will we get a Sikorsky H-92?

Promises by this government do not erase the facts of very recent history. There is no greater scandal in the history of Canadian defence procurement than the Maritime Helicopter Project and the Sea King replacement.

The Maritime Helicopter Project makes all past wrongs pale in comparison. General Sam Hughes looks somewhat sane when compared to the activities of some of the recent Ministers of National Defence.

• (1520)

Never mind the fact that money was directed to the Sea King replacement, as I have suggested to the Leader of the Government in the Senate, in 1978 under Trudeau.

Let's start in 1994 with the Chrétien Liberals' election victory and their cancellation out of nothing more than crass electioneering of the 43- helicopter, \$4.3-billion-to-\$4.4-billion EH-101 program of the Mulroney/Campbell administration. The Chrétien Liberals branded the aircraft a Cold War relic and placed the EH-101 program costs at \$5.8 billion over a 25-year period, including inflation. The source of that, incidentally, is

Liberal Party press releases and their own analysis. With the stroke of his pen, Jean Chrétien fulfilled his election promise and wrote "0 helicopters" and incurred, by the Liberals' own admittance, some \$500 million in cancellation costs. The source is generally the most prominently and commonly used figure by the Canadian Press in recent years.

However, honourable senators, the \$500 million is only the direct cost of cancelling the contracts for the airframe and mission systems. It does not include the first-and second-tier costs and losses in revenue and to the tax base. Estimates place these costs of cancellation at over \$1 billion. The *Toronto Star* split the difference at one point and used \$769 million. I was never able to come up with that figure myself; however, it is there.

Additionally, part of our contract deal with EH Industries at that time was a 10 per cent Canadian content in each and every subsequently sold EH-101. All of that money, and the jobs with the project, disappeared. With it, we would have had them flying now, and they would have been earning money on their sale abroad.

When the EH-101 came to an end, the government then had to put good money in for bad in terms of the return on the maintenance costs of the aging and highly unreliable Sea King. Sea King maintenance and upgrade costs are based upon the fact that the date for phasing in the new Maritime helicopter fleet was 2005 — and I am sure you will recall the kerfuffle about that. Of course, 2005 is no longer possible. This means that the government is now accountable for Sea King maintenance costs from 1994 to 2010, at the most conservative period. The annual costs of that, we know from government figures, is \$40 million, operations and maintenance for 16 years, plus upgrades to the tune of \$100 million, for a grand total of \$740 million. This is minimal.

The Hon. the Speaker pro tempore: Honourable Senator Forrestall, I regret to advise that your time has expired. Are you asking for leave to continue?

Senator Forrestall: I have three pages left to read.

Senator Austin: We want to hear it.

Senator Forrestall: Honourable senators, this grand total is minimal, because the fleet at 2010 comes out in reality around \$800 million, rising to \$1.2 billion. I fudged that a little bit because none of these figures and costs include one cent for natural inflation.

Cancellation of the joint maritime search and rescue EH-101 also forced the Canadian government to purchase a new helicopter for search and rescue. After much dilly-dallying, the government purchased the EH-101 Cormorant, as we all know. The cost of that was \$790 million, for 15 basic helicopters. The \$790 million is only a small portion of the costs associated with the Canadian search and rescue helicopter. Long-term service

support costs were split from the contract, and honourable senators will recall that they were awarded to IMP of Halifax in renewable increments for a period of up to 25 years. It is estimated that these costs, very conservatively, will top \$1.7 billion.

Finally, in August of 2000, the government announced its intention to purchase 28 maritime helicopters at a cost of \$2.9 billion to replace the aging Sea King. Again, there are hidden costs in terms of long-term service support that will certainly top the \$1.7 billion estimated for the 15 Cormorants and fairly simplistic mission systems as compared to mission suite that would be found on the 28 maritime helicopters.

Lastly, there is the ridiculously wasted \$400 million in risk costs and split procurement costs that were incurred when the government purposely split the program to disadvantage EH-101 and then reversed in December to allow NH-90 to compete in the program. As part of this process, a Department of National Defence document on risk analysis identified an extra \$220 million in contingency costs and an extra \$100 million in loss of economies of scale, another \$20 million in training, an additional \$40 million in support, and lastly an extra \$20 million on the project management office itself. These are government figures. If you know where to dig around, you can find them. They are artfully buried — very skilfully buried.

The Liberals cancelled the EH-101 because they called it an expensive Cold War relic at \$5.8 billion in total costs to the Canadian taxpayer. In point of fact, using available documents and conservative estimates, the total cost of the Liberal search and rescue helicopter and maritime helicopter project is in the neighbourhood of \$8.73 billion, without inflation.

The Liberal replacement of the Labrador and the Sea King fleets will be at least \$2.9 billion, again without any inflation, more expensive in taxpayers' dollars than the Mulroney/Campbell EH-101 program at its Chrétien liberal proclaimed costs of \$5.8 billion. How is that for waste and mismanagement, crass electioneering notwithstanding? Imagine what the cash-strapped Canadian military could have purchased with \$2.9 billion. Just imagine its impact on health care. Imagine its impact on the native people of Canada for housing and health and other opportunities. At the end of the day, honourable senators, in 1998, the Liberals bought the so-called Cold War relic for search and rescue because there was no choice in 1998, and there was no other candidate that measured up to the Canadian specs in 1994. Nevertheless, this question remains: What will we get for our dollar in 2004 and 2005 if and when this government moves forward in the most scandalous process in Canadian defence procurement history?

I urge the government to move with this, because when all is said and done it is our sons and our daughters that we are talking about. They are husbands and fathers. They are the people we turn to. It was sad and embarrassing to stand all alone the other day and watch a magnificent piece of equipment, esteemed in that part of the world, without a helicopter on board perhaps as much as 30 per cent of its time. Thank you for your patience.

[Translation]

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker pro tempore: Honourable senators, I would like to welcome a page who comes to us from the House of Commons and will be with us for a time. I would like to introduce to you Ms. Vanessa Corcoran, from Orleans, Ontario.

[English]

Vanessa Corcoran of Orleans, Ontario, is enrolled in the Faculty of Social Sciences at the University of Ottawa. Vanessa is specializing in international development and globalization. Welcome to the Senate.

• (1530)

[Translation]

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Trenholme Counsell, seconded by the Honourable Senator Massicotte, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the Third Session of the Thirty-seventh Parliament.—(1st day of resuming debate)

Hon. Maria Chaput: Honourable senators, the first Speech from the Throne of our new government is one more step in the right direction. It gives me great pleasure today to share some comments with you on this speech opening the third session of the thirty-seventh Parliament of Canada.

As a Canadian, I am pleased that we have in this speech a government reflecting Canadian values and the desire to create a world where fairness, justice and decency reign.

[English]

Critics will no doubt say that these are merely words. I would say, rather, that they express a vision well rooted in the fundamental values our government has adopted, vision that will serve as a road map for the next decade. It is indeed an ambitious program our government is proposing, but it is a well-balanced program, one that will help maintain our quality of life in a healthy environment.

Canada is taking its place in international affairs. It is a country in good health, protecting our children under all circumstances with renewed vigour drawn from partnership and commitment.

[Translation]

The future of our children is the future of Canada. The formative early years are what shape us as individuals. Our government acknowledges its role in overall early childhood development. I am pleased to see that the Throne Speech makes mention of help to families, the need to provide tools to support

these families, and the necessity of protecting our children from all forms of abuse.

If there is one thing I want to do for my grandchildren, it is to ensure that they get off to the best possible start in life. I want my country to make it possible for all of Canada's children to be able to live in a healthy environment, in total freedom, to reach their full potential, and to become participating members of society. Our government has made that commitment.

The Speech from the Throne says that the Government of Canada is committed to ensuring more successful integration of new immigrants into the economy and into communities. One of the strategies adopted to that end is to provide potential immigrants with information that will avoid later disappointments.

According to immigration specialists, from 2031 onward any increase in the population of Canada will be the result of immigration.

Therefore, because the Government of Canada is serious in its commitment to linguistic duality, it must do its part to make new immigrants aware of the unique linguistic identity of our country, and provide them with the tools they need to learn both of Canada's official languages — if they so wish, of course.

As a French Canadian, I take pride in the Throne Speech's mention of the government's commitment to official languages. It said: "Linguistic duality is at the heart of our identity. It is our image in the world. It opens doors for us." The francophone community in Canada is justifiably recognized for its contribution to world Francophonie. Our government recognizes this added value for our country. It is up to us to give our support to promoting it.

As a western Canadian, I am very much aware of what is happening in Canada's west and of the key issues that have been raised about this part of the country, some of them based on myth and some of them based on hard facts.

Having lived in the Canadian west for over 60 years, I must admit that our region is still very heterogeneous, and its various parts differ greatly. On the other hand, these varied elements also share many points in common and make the west unique in comparison to the rest of the country. People in the west do not all think the same way, but they agree on one thing: the economic and cultural potential of Canada's west.

I was relieved to see that in the Throne Speech the government promised to put relations with provinces and territories on a more constructive footing. A government that listens to what the provinces and territories are saying is, in my humble opinion, the key to reducing western alienation, which is still strongly felt in the region.

Most western Canadians are optimistic about the future of their provinces, but they want to be appreciated by the rest of Canada, at their true value. They want economic support at the regional level; they appreciate the support of the Department of Western Economic Diversification; and they consider themselves partners in their own economic development.

A poll entitled *Looking West 2003* conducted by the Canada West Foundation found that Western Canadians were concerned about health care, retaining young people and the environment. Nearly two-thirds of respondents gave a high priority to protecting the environment. I am proud to say that our government has responded to many of these concerns through its commitments in the Throne Speech.

The creation of the Committee of Cabinet and the Aboriginal Affairs Secretariat is a popular initiative that deserves special attention. Thanks to a new approach proposed by the First Nations, the government will also recognize the contribution of Métis in Western Canada.

I cannot continue without first paying tribute to a remarkable woman who has earned my wholehearted respect, admiration and friendship. Senator Chalifoux, you have been an inspiration to me; may God bless you.

The response of many Manitobans has been positive. I want to quote a few.

What is new in the Throne Speech is the desire to work in collaboration with the other levels of government. The big winners are the municipalities, and this reflects the real world, and real and tangible needs.

[English]

A number of Manitobans thought it interesting that the Speech from the Throne talked of culture and the vitality of culture, a renewal of policies on the arts and culture, and the revitalization of artistic and cultural institutions reporting to the Government of Canada.

[Translation]

However, there is still a concern as to whether there will be repercussions and a direct impact on support for the development of our artists and cultural industries in minority communities. Will they have access to the same development and promotional tools that other businesses do? Will the government show the same support for cultural businesses as it does for small businesses? Will the government suit action to word when it comes to the cultural development so important to a minority community and to western Canada? Rest assured, Manitobans will be following all this with great interest.

As you know, I traditionally represent franco-Manitobans in the Senate.

On behalf of all franco-Manitobans, I would like to thank the Government of Canada and express our appreciation for the official recognition in the Speech from the Throne of the fundamental nature of Canada's linguistic duality and the importance of enhancing this fundamental characteristic.

Many were relieved to see a link with the federal government's official language action plan for continuing to develop official language communities throughout the country, as well as confirmation of the funding promised for implementation of that plan. The new emphasis on partnership with the provinces in health, education, culture and other areas, must not, however, neglect federal responsibilities toward francophones. The government must keep in mind on the national level the international role of francophones. This is important for this community, which wants to contribute fully to the development of Canadian society.

I personally appreciated the presence in the Throne Speech of references to democratic renewal and the measures that will be taken to restore trust and accountability with respect to the Government of Canada.

I share Canadians' desire to see government focus more on respecting the rules of ethics.

Canadians are entitled to expect their government to make proper use of public funds; in the Throne Speech, the government gives them hope that public funds will be used wisely.

I consider it a privilege to be part of this important change. I believe Canada stands to come out a winner as a result.

On motion of Senator LeBreton, debate adjourned.

• (1540)

ETHICS, RESPONSIBILITY, ACCOUNTABILITY: AN ACTION PLAN FOR DEMOCRATIC REFORM

DOCUMENT TABLED

Leave having been given to revert to tabling of documents:

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table in the Senate, in both official languages, a document entitled: *Ethics, Responsibility, Accountability*.

Some Hon. Senators: Hear, hear!

[English]

HUMAN RIGHTS

2002 BERLIN RESOLUTION OF ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY—MOTION TO REFER TO COMMITTEE—DEBATE ADJOURNED

Hon. Jeremiah S. Grafstein, pursuant to notice of February 3, 2004, moved:

That the following resolution, encapsulating the 2002 Berlin OSCE (PA) Resolution, be referred to the Standing Senate Committee on Human Rights for consideration and report before June 30, 2004:

WHEREAS Canada is a founding member State of the Organization for Security and Economic Co-operation in Europe (OSCE) and the 1975 Helsinki Accords;

WHEREAS all the participating member States to the Helsinki Accords affirmed respect for the right of persons belonging to national minorities to equality before the law and the full opportunity for the enjoyment of human rights and fundamental freedoms and further that the participating member States recognized that such respect was an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation between themselves and among all member States;

WHEREAS the OSCE condemned anti-Semitism in the 1990 Copenhagen Concluding Document and undertook to take effective measures to protect individuals from anti-Semitic violence;

WHEREAS the 1996 Lisbon Concluding Document of the OSCE called for improved implementation of all commitments in the human dimension, in particular with respect to human rights and fundamental freedoms and urged participating member States to address the acute problem of anti-Semitism;

WHEREAS the 1999 Charter for European Security committed Canada and other participating members States to counter violations of human rights and fundamental freedoms, including freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism;

WHEREAS on July 8, 2002, at its Parliamentary Assembly held at the Reichstag in Berlin, Germany, the OSCE passed a unanimous resolution, as appended, condemning the current anti-Semitic violence throughout the OSCE space;

WHEREAS the 2002 Berlin Resolution urged all member States to make public statements recognizing violence against Jews and Jewish cultural properties as anti-Semitic and to issue strong, public declarations condemning the depredations;

WHEREAS the 2002 Berlin Resolution called on all participating member States to combat anti-Semitism by ensuring aggressive law enforcement by local and national authorities;

WHEREAS the 2002 Berlin Resolution urged participating members States to bolster the importance of combating anti-Semitism by exploring effective measures to prevent anti-Semitism and by ensuring that laws, regulations, practices and policies conform with relevant OSCE commitments on anti-Semitism;

WHEREAS the 2002 Berlin Resolution also encouraged all delegates to the Parliamentary Assembly to vocally and unconditionally condemn manifestations of anti-Semitic violence in their respective countries;

WHEREAS the alarming rise in anti-Semitic incidents and violence has been documented in Canada, as well as Europe and worldwide.

Appendix

RESOLUTION ON ANTI-SEMITIC VIOLENCE IN THE OSCE REGION Berlin, 6-10 July 2002

1. Recalling that the OSCE was among those organizations which publicly achieved international condemnation of anti-Semitism through the crafting of the 1990 Copenhagen Concluding Document;
2. Noting that all participating States, as stated in the Copenhagen Concluding Document, commit to "unequivocally condemn" anti-Semitism and take effective measures to protect individuals from anti-Semitic violence;
3. Remembering the 1996 Lisbon Concluding Document, which highlights the OSCE's "comprehensive approach" to security, calls for "improvement in the implementation of all commitments in the human dimension, in particular with respect to human rights and fundamental freedoms", and urges participating States to address "acute problems", such as anti-Semitism;
4. Reaffirming the 1999 Charter for European Security, committing participating States to "counter such threats to security as violations of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism";
5. Recognizing that the scourge of anti-Semitism is not unique to any one country, and calls for steadfast perseverance by all participating States;

The OSCE Parliamentary Assembly:

6. Unequivocally condemns the alarming escalation of anti-Semitic violence throughout the OSCE region;
7. Voices deep concern over the recent escalation in anti-Semitic violence, as individuals of the Judaic faith and Jewish cultural properties have suffered attacks in many OSCE participating States;
8. Urges those States which undertake to return confiscated properties to rightful owners, or to provide alternative compensation to such owners, to ensure that their property restitution and compensation programmes are implemented in a non-discriminatory manner and according to the rule of law;
9. Recognizes the commendable efforts of many post-communist States to redress injustices inflicted by previous regimes based on religious heritage, considering that the interests of justice dictate that more work remains to be done in this regard, particularly with regard to individual and community property restitution compensation;
10. Recognizes the danger of anti-Semitic violence to European security, especially in light of the trend of increasing violence and attacks regions wide;
11. Declares that violence against Jews and other manifestations of intolerance will never be justified by international developments or political issues, and that it obstructs democracy, pluralism, and peace;
12. Urges all States to make public statements recognizing violence against Jews and Jewish cultural properties as anti-Semitic, as well as to issue strong, public declarations condemning the depredations;
13. Calls upon participating States to ensure aggressive law enforcement by local and national authorities, including thorough investigation of anti-Semitic criminal acts, apprehension of perpetrators, initiation of appropriate criminal prosecutions and judicial proceedings;
14. Urges participating States to bolster the importance of combating anti-Semitism by holding a follow-up seminar or human dimension meeting that explores effective measures to prevent anti-Semitism, and to ensure that their laws, regulations, practices and policies conform with relevant OSCE commitments on anti-Semitism; and
15. Encourages all delegates to the Parliamentary Assembly to vocally and unconditionally condemn manifestations of anti-Semitic violence in their respective countries and at all regional and international forums.

He said: Honourable senators, I rise to move this resolution on the Order Paper, a resolution on the rise of anti-Semitism across the OSCE region that was passed unanimously in Berlin at the OSCE annual Parliamentary Assembly in July 2002, almost two years ago.

Perhaps I might spend a few moments before talking about the subject matter of the resolution to remind honourable senators about the origins and the role of the OSCE, the Organization for Security and Co-operation in Europe

Honourable senators will recall that the Helsinki process was formally called the Conference on Security and Co-operation in Europe. It traces its birth back to the signing of the Helsinki Final Act in Finland on August 1, 1975. At that time, leaders of 33 European countries, including the United States of America and Canada, and member states of the Soviet Union and its satellites, signed this agreement. Canada was a voting member then and a founding signator.

The Helsinki Final Act was a remarkable bargain. It was a grand bargain that led to the demise of the Soviet Union and communist tyranny. The bargain was simple. Honourable senators will recall that in return for the West respecting the Soviet states' boundaries, the Soviet Union states and satellites agreed to allow the reach of human rights treaties into their jurisdictions, enabling the West to intervene in the East. We were able to breach the wall of sovereignty in exchange for giving the Soviets guarantees that their borders would be secure and respected. This intrusion of human rights into the Soviet space led, ultimately, through human rights activism and the rise of dissidents, to the collapse of the Soviet empire. The idea of democracy was planted. As senators will recall, this surge of human rights activism finally led to the fall of the Berlin wall in 1989. In January 1995, the Helsinki process was renamed the Organization for Security and Co-operation in Europe, or the OSCE. Member states then were expanded from 33 to 55, reflecting the breakup of the Soviet Union, Yugoslavia and Czechoslovakia.

The OSCE is divided into two parts. There is the ministerial side and the parliamentary side. The ministerial side is located in Vienna. Weekly meetings are held by permanent representatives, including an ambassador from Canada, dealing with the whole range of treaty matters and declarations. As well, officials, ministers and heads of state meet regularly. The Chairmanship of the Ministerial Council is rotated annually. I believe the current chairmanship is Bulgaria. As a matter of fact, the former chairmanship was Holland, and the Dutch did a remarkable job of leadership on many fronts.

The parliamentary side of the ministerial equation is located in Copenhagen. The Parliamentary Assembly secretariat is located there, and they do work not dissimilar to the work of Parliament. The executive side is in Vienna and the parliamentary side is located in Copenhagen. I have the privilege of serving as the second elected officer of the Parliamentary Assembly. I serve as Treasurer of the OSCE (PA). I am also the head of the Liberal

Democratic Reform Political Group, one of three political groupings at the OSCE. The three groups are the Conservatives, the Socialists and the Liberal Democratic Reform Group. Canada is well represented on the OSCE (PA) executive and the expanded bureau. We have three elected parliamentarians on the bureau. Our colleague Clifford Lincoln from the other place and Svend Robinson and I represent Canada. All of us have committed time and energy to ensure that Canada has a strong voice when it comes to human rights, economic matters and a whole range of issues of timely concern.

What does the parliamentary assembly and the ministerial council do? Together, they establish standards for military security, human rights, democratic development and democracy building, including election monitoring. Recently, I returned from Georgia as deputy head of the delegation to monitor the presidential election. I hope to return in March to assist in monitoring their parliamentary elections. Georgia is moving toward democracy, and one reason for that progress has been the hard work of the OSCE. I went to Georgia in 1996 to speak to their parliamentarians for the first time on minority rights. The OSCE has been actively engaged in encouraging parliamentarians there to become more democratic in their practices. They want our help. However, I hope tell honourable senators more about what Canada can do, cost effectively, to help Georgia at a future time.

What else do we do? In addition to that, we work on conflict resolution. There are frozen and hot conflicts across that entire eastern region. We monitor those conflicts and are deeply involved.

I also serve on the parliamentary OSCE group to resolve the frozen conflict between Moldova and Transnistria. These are big problems that are difficult to deal with, based on ancient rivalries and complex political and economic divisions. These are hard problems to resolve, but we are making steady progress an inch at a time.

Let me turn now to the resolution at hand. I did not initiate this resolution. How did it come about? As treasurer and head of the Liberal group at the OSCE, I was approached in May of 2002 to support a resolution to the Berlin Parliamentary Assembly by the German and American parliamentarians who decided that they would attack the problem of anti-Semitism head on that was spiralling across the entire OSCE region. They were concerned about what was happening in their Parliaments and in their sovereign states. Parliamentarians took it upon themselves to put together the resolution that is encapsulated in this resolution. Their thrust was that this resolution should be debated in Parliaments across the 55 states and, in addition, that there should be a consideration of the reports to determine how, if there are laws that can be changed, or what steps can be taken to address the root causes of anti-Semitism. In 2002, each delegate in Berlin resolved to encourage debate in their Parliaments and to bring this measure forward to hopefully remove or shrink the roots of this ancient and intractable problem. There is no new or old anti-Semitism; there is just anti-Semitism.

The resolution itself calls for consideration of effective measures to prevent anti-Semitism while examining the laws, regulations and policies in the member states in order for them to conform with the OSCE regulations. That is what this resolution does. It repeats and encapsulates the resolution unanimously passed by all parliamentarians at the OSCE.

• (1550)

Honourable senators, since May 2002, many other parliaments have dealt with this matter. There is to be a final follow-up conference in April of this year in Berlin.

I have in my hand a partial list of conferences and seminars that have been held since 2002 to the present. In May 2002, I attended one held by the Americans in Washington. There was then one in Berlin, which I mentioned, in July 2002. In December 2002, there was one held in Porto, Portugal, which I attended. On December 10, there was another conference in Washington where a unanimous resolution was passed by the U.S. Senate. A forum was held in Vienna at an OSCE meeting that I attended. There was then another resolution passed unanimously by the U.S. House of Representatives in July 2003 which encapsulated the OSCE resolution and went further. We went to Rotterdam last summer where at the OSCE parliamentary assembly there was another forum about it. This resolution was then reinforced in Rotterdam in the final resolution of the parliamentary assembly. There was then a meeting in Warsaw where this matter was taken up. On December 1, there was a ministerial meeting in Maastricht, which I attended and where this issue was discussed again and re-energized.

Across the world and across the OSCE, this issue has been discussed and debated vigorously by parliamentarians. I must commend my colleague Michel Voisin from France who took it upon himself in France to bring forward enhanced anti-hate legislation to curb some of these egregious problems. That was but one example of what occurred as a result of these particular efforts.

I also want to commend my colleague from Germany, Gert Weisskirchen, who is well known to many of us who have spent time in Europe. He is an outstanding spokesman for human rights. He, together with the Americans, were the ones who pieced the original OSCE resolution together. Congressmen Smith, Cardin, Hastings, Hoyer and others took a leadership role in this effort.

While I am on my feet, I want to commend the American Congress because they took a different approach to the OSCE. In 1975, they established a commission of senators and congressmen who meet regularly to monitor what the OSCE does. In addition to attending the parliamentary assemblies and executive and ministerial meetings, they monitor and have regular hearings about all aspects of OSCE activity. This is a wonderful example of parliamentary oversight.

I hope in the future that we will adopt this approach because it is an effective means of ensuring that there is parliamentary surveillance of these important measures.

Honourable senators, I tabled this resolution a year and a half ago. It has been on the Order Paper for that length of time. All I ask the Senate to do is to approve the resolution — not even the principle of the resolution — so that it can go forward to a standing committee for consideration. Frankly, I do not care if the hearings are one hour, 15 hours or 50 hours. That is up to the committee chairman and the Senate.

The Chairman of the Standing Senate Committee on Human Rights, Senator Maheu, has agreed to take this referral.

This issue has been on the Order Paper for a year and a half. I hope it can be referred to a committee for consideration. Their recommendations would then go forward to Berlin on April 28. In that way, Canada can have a voice at those important deliberations.

This initiative did not come from governments. This initiative did not come from the public. This initiative did not come from private groups. This initiative came from parliamentarians across the OSCE region. Parliamentarians across the OSCE region led the way. I believe the Senate can lead the way for the Canadian Parliament to consider this measure so that, when all the countries of the 33 founding states and the 17 new states consider this matter in Berlin, Canada will have a substantive, clear and coherent position. I hope it will be a strong position. However, that is up to the committee. It will then be up to this Senate chamber to approve such a report.

I urge honourable senators now, after all this unseemly delay, to give this resolution the consideration it deserves and allow it to be dealt with by a standing committee of this chamber as soon as possible.

I thank honourable senators for their indulgence and patience yet again.

Hon. Joan Fraser: Honourable senators, I should like to speak briefly in support of Senator Grafstein's motion. I begin by

commending him for his extraordinary tenacity and patience on this matter, not only in this chamber but, as he has described, around much of the Western world.

I support his motion for two reasons. First, it is important for us to follow up upon the work that we all do and are proud to do in interparliamentary associations of one kind or another. Canada serves well and is highly respected in these groups. It has a voice of considerable influence and is proud to use it. Too often, when we come home, nothing happens. Our colleagues are barely made aware of what we have done and of what our colleagues from other countries have done.

Senator Grafstein has brought to our attention one such issue, which is of great importance. We should follow up on it. I do not think it is unreasonable to suggest that the Human Rights Committee, which exists for precisely this kind of purpose, should examine this motion.

That leads me to the second reason for my support of this motion. We cannot follow up on every topic addressed by every parliamentary group. There are tens of thousands of such topics. We have to pick the ones we consider important. This one is important. Anti-Semitism has been a scourge of Western civilization for 2000 years. In recent years, it has been reasserting some of its uglier forms particularly, but not only in Europe.

As a country that believes in human rights and as a chamber that prides itself on its defence of human and minority rights everywhere and at all times, it is our duty to examine such topics when they are brought to us. Senator Grafstein has done us a service in bringing this once again to our attention. We should move forward with it.

On motion of Senator Kinsella, debate adjourned.

The Senate adjourned until Thursday, February 5, 2004, at 1:30 p.m.

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Thursday, February 5, 2004

THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Thursday, February 5, 2004

The Senate met at 1:30 p.m., the Speaker in the Chair.

[English]

Prayers.

SENATORS' STATEMENTS

TRIBUTES

THE HONOURABLE THELMA J. CHALIFOUX

The Hon. the Speaker: Honourable senators, I have received a letter from the Leader of the Government in the Senate pursuant to rule 22(10) requesting that time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Senator Chalifoux.

[Translation]

Tributes to the Honourable Senator Chalifoux, who will retire on February 8, 2004.

[English]

Hon. Jack Austin (Leader of the Government): Honourable senators, it is with mixed and, I might even say, substantial emotion that I rise to bid farewell to our valued colleague, Senator Thelma Chalifoux. Although I am happy to note that she will have more time to spend with her family in Alberta, we will nonetheless be losing a unique presence here in our chamber, one that will be difficult to replace.

Senator Chalifoux is the first Metis and first Aboriginal woman appointed to the Senate and has made very significant contributions on these issues at the federal level. During her time as Chair of the Standing Senate Committee on Aboriginal Peoples, the committee produced a seminal report on urban Aboriginal youth, a report that broke new ground in addressing issues associated with an increasingly younger off-reserve Aboriginal population.

Senator Chalifoux has been exemplary in her defence of the Senate as a place wherein regional voices can be heard on matters of public policy, calling the Senate "the best-kept secret in the country."

In fact, Senator Chalifoux stands as a valuable argument for this chamber. She demonstrates that someone who would, in real terms, have very little opportunity to be elected in her home province nonetheless can come to this chamber, by appointment, and represent a very substantial component in Canadian society.

[Translation]

Shortly after her appointment to the Senate, she instituted the Annual Senators' Ball to showcase the work done by her fellow senators.

She herself is one of the best examples of the importance of the Senate in defending the interests of Canadians who have historically been under-represented in our federal government.

Senator Chalifoux is a role model to more than 50 children from three generations in her family, in addition to serving as a role model to countless Metis and Aboriginal women. Her family life is a clear demonstration of the importance of community in guiding her work.

Senator Chalifoux is well known across Alberta, but particularly in Morinville, where she has always taken a personal interest in members of her community. Long before she came here, she promoted their successes and has continued to work hard on their behalf to rectify injustices.

Senator Chalifoux has been an active member of the Metis Nation of Alberta for over four decades and has continued to work diligently here in Ottawa to better the lives of Metis, young Aboriginals and single mothers. She combines common sense with sensitivity, and the respect she has for her fellow citizens is plainly evident in her actions and words.

Senator Chalifoux is known by her colleagues for her sincerity and friendliness, qualities which make her very approachable, not only to the people that she represents but to anyone who has the pleasure of knowing her.

One of Senator Chalifoux's first speeches was on amending the Canadian Human Rights Act in order to add social condition as a prohibited ground of discrimination. Her words resonated in this chamber because she spoke from the heart from her own personal experiences with discrimination. She concluded by saying, "Poverty will surely be around for a long time, but we can do our best to ensure that the poor people of our country are protected." This is the mandate she set out for herself on being appointed to the chamber, and she has certainly furthered this laudable objective during her time here.

Honourable senators, Senator Chalifoux is one of the most dedicated colleagues I have had the pleasure to work with. I have no doubt that we and the Canadian public will be hearing from her long after she leaves this place. Keep up the good work.

Hon. Terry Stratton: Honourable senators, it gives me great pleasure to rise today to celebrate with all of you the time that Thelma Chalifoux has spent in this chamber. If I may be permitted a somewhat partisan comment: When you make as many appointments to this place as former Prime Minister Chrétien did, you are bound to get one of them right.

Some Hon. Senators: Hear, hear!

Senator Kinsella: That is the only one that was right!

Senator Lynch-Staunton: There is only Senator Grafstein left.

Senator Stratton: This is a remarkable lady who has shared her time with us over the past six years. Not surprisingly, her major contribution during these years has been lifting up the cause of the Aboriginal peoples of Canada and, specifically, addressing the issue of the Metis people of Canada.

She has chaired our Aboriginal Peoples Committee since May 2000, dealing even-handedly with sometimes very controversial legislation. She has also initiated, along with Senator Johnson, a study on the issues faced by Aboriginal youth in Canada, especially those confronting young urban Aboriginals.

This study has brought the committee into Aboriginal communities to meet face-to-face with young people, to hear them, to assure them that if they felt no one was listening, at least a committee of concerned senators chaired by someone with 26 great-grandchildren was listening.

However, Thelma Chalifoux is much more than just a senator. She has much more than her work here. That work outside this place and before her appointment to the Senate should also be the subject of our celebration today. She has served as a land claims negotiator, was founder of the Slave Lake Native Friendship Centre and was instrumental in developing the Metis Association of Alberta Land and Welfare Departments. Her commitment to social activism goes back to the days of the Company of Young Canadians, of which she was a member. Her devotion to the cause of Aboriginal people in Canada has been recognized, as she was the first Metis female to receive the National Aboriginal Achievement Award. She is also a member of the University of Alberta Senate. This lady of many talents also operates a successful consulting business based in St. Albert, Alberta.

• (1340)

As we all know, the current Prime Minister has, through the Speech from the Throne, placed Aboriginal — and specifically Metis — issues high on his government's agenda. I am sure that this is due to the influence that Senator Chalifoux has exercised over the years.

On a personal note, although I have Orange roots and Senator Chalifoux has Catholic roots, we have become friends over time. Yet, we have a distinct separation in agreement with regard to a certain Father of Confederation who originated from Manitoba, Louis Riel.

Senator Chalifoux: Our hero.

Senator Stratton: He is a hero to Manitoba and to me.

We will always have that bond, Thelma. I wish you well in the future.

Hon. B. Alasdair Graham: Honourable senators, early this week, a feature article in the *Edmonton Journal* caught my attention. "A rare, unconquerable spirit" was the headline. "Canada's first female Metis senator raised seven children by herself." Chris Purdy's masterful take on Thelma Chalifoux's career is a portrait in courage, and his subject matter, "warmly described as a tough old broad with a quick tongue and a down to earth heart...and a head full of ethics," has run rings around all of us in that department.

Honourable senators, Thelma has taught a lot of us about living. In fact, every time I see her arrayed in one of her colourful hats, one of which adorns her desk today, with an always sensational walking cane, I think to myself, as have others in this chamber, "What will Thelma rope us into today?"

This rare, unconquerable spirit, an Albertan, has spent her life adding new chapters to the story of her own people — those brave adventurers in our history who carved out the early beginnings of a young nation from the wide horizons of virgin prairie. This western woman is a latter day pioneer in the dream of absolute equality for men and women in this country.

Louis Riel once reflected on the rights of the small. "The great or small," he said, "these rights must be the same for everyone." Thelma has made that belief her own. If there is a common denominator to her wonderful life, it is her passion for equity and a level playing field for all of our people; her dream to have communities and societies where people have the right to hope; the daily struggle to liberate people from hatred and intolerance, wherever and whenever she has found it; and building a special place where all of our children have the right to grow up equal.

Thelma, it seems only yesterday that, as the then Leader of the Government in the Senate, I welcomed you to this chamber. What a privilege it was then. My God, it has done this chamber good; it has done all of us good just to know you, Thelma. Thank you.

Hon. Gerry St. Germain: Honourable senators, it is a great privilege, as a Metis of this country, to salute a Metis on the other side.

Thelma, you will be missed here. Time is our greatest enemy in this place because we never have enough time to do the things we set out to do or would like to do to deal with the challenges that face our people.

Thelma, during your presence in this place and in Ottawa, the nation's capital, you elevated the debate on the cause of our people to a level that was never before seen.

As Senator Austin and others have said, the Metis were mentioned in the Speech from the Throne. I believe that your work and your attitude, Thelma, made that happen. I would like to congratulate you for that because your work has been significant and should be recognized.

I have worked with you over the years in committee. I have taken my leave because Senator Rompkey and I decided that we would argue for a while. Other than that, the work we did together has stood our people and all Aboriginal peoples well. The effects of your leadership on the Aboriginal Peoples Committee will serve the Aboriginal, Inuit and Metis peoples well.

We travelled together on some of the trips that the committee took when studying urban Aboriginals and Aboriginal youth. I saw the respect that you command from our people and from the Aboriginal peoples.

My biggest concern, Senator Chalifoux, is your replacement.

Will Senator Austin ensure that Senator Chalifoux is replaced by someone of equivalent calibre so that we can carry forward the very strong initiative that she has brought to this place? Without an equivalent replacement, the causes of Louis Riel, our leader, and the plight of all our Aboriginal peoples in this country will not be fully served.

[Translation]

I would like to ask you not to forget your friends here in Ottawa. Come back often, dear Thelma, and thank you once again for your humility. Thank you for having been such a good friend.

[English]

Hon. Serge Joyal: Honourable senators, it is with great pride that I add my voice to those of my colleagues to mark the contribution of Senator Thelma Chalifoux to the advancement and the recognition of the Metis people as an Aboriginal nation with full constitutional rights and status and the proclamation of Louis Riel as a Metis and Canadian hero.

The history of the contribution of the Metis people to Canadian nationhood is yet to be fully researched and understood. The Metis were created, first, from the union of Indian women with explorers, hunters and fur traders of French origin for more than 100 years, and then with those of British and Scottish origin after the country's change of allegiance. This situation was unique: A new Aboriginal nation was thus created. Unfortunately, the Metis were deprived of any real status and, in reality, banned from the boundaries of any recognized territory. They were not full-blood Indians living on ancestral land nor, of course, of exclusive European descendants. For years, they lived as nomads, wandering with their children and few belongings.

[Translation]

Without any land, the Metis could not put down roots, create a stable community, develop independent institutions, and thus take advantage of their rights to this country's resources. Their leader Louis Riel, a Metis, understood this and he made demands

to the government on their behalf. The government ignored their settlement rights and tried to dispossess them. This conflict profoundly divided the new country, for the first time setting the francophones of Quebec against the anglophone majority in Ontario.

• (1350)

[English]

Riel understood that the Metis faced a unique challenge to integrate both French and English languages and influences while maintaining their traditional ways of living and culture. They were also facing the hardship of wandering, almost as exiles, in their own country. They had to claim the bare minimum of rights to live in peace. Through his leadership, Riel restored their dignity, their pride in their origin and unique identity, but it was not without battles and death. It is thus appropriate that Senator Chalifoux tried, in two different bills, to recognize Riel's place in Canadian history.

After 112 years, the Metis, a voiceless people, were finally heard. The Constitution Act, 1982, through an amendment to the original draft, added the Metis as a recognized Aboriginal people, and 21 years later, in the *Powley* case, the Supreme Court confirmed their entitlement as a full Aboriginal nation.

Senator Chalifoux brought to our chamber the plight of her people: homelessness in urban areas, poor health, child poverty and youth suicide. Her departure from our chamber today raises the question of how we will maintain the high visibility of those concerns in our legislative work and Senate studies. She made us commonly responsible for the essential improvement that the Metis are entitled to as much in land as in governance. I should like to assure her that, with her efforts to raise our conscience, we will be guided by her dedication to restore the rights of the Metis.

Thank you, Senator Chalifoux, with all our consideration, for the dignity and the deep sense of honour that you brought to your commitment.

The Hon. the Speaker: Honourable senators, unfortunately, the 15 minutes for tributes have passed. However, I will see some senators under Senator's Statements, as long as there is time.

It is now my great pleasure to call on Senator Chalifoux.

Hon. Thelma J. Chalifoux: Honourable senators, I am absolutely overwhelmed at the reception and the tributes given to me, as a servant of the people. I was raised to serve our Elders and our communities, all my life, so it is a legacy that I inherited from my father, my mother and my community.

I was raised in the Salvation Army. In the Salvation Army, we are taught to serve, so that is what I have been doing all my life. It is just part of me. When I see someone suffering, how can I turn my back? When someone asks for help, how can I say no? I cannot. I was raised with strong work ethics, and I have tried to carry that forward throughout my whole life.

[Senator St. Germain]

Since my appointment to this wonderful place, I have never walked into this chamber without a sense of awe. I have asked myself many times: What is a little old Metis lady from Northern Alberta doing in this wonderful place? I have always believed the Creator put me here for a very significant reason — that is, to bring forward the plight of all the Aboriginal people in this country so that no more do we have to talk about Third World conditions and no more do we have to talk about the lack of identity and the loss of culture. If I have touched one person, I have done my job.

I want to thank our team, right from the bull gang through to Security and Debates, everyone who works here, because we are a team. Without all those people working for us, we would never survive. They are my friends; they are also my colleagues.

Hon. Senators: Hear, hear!

Senator Chalifoux: I have a very special “thank you” for the team in my office. My assistant, Karen, is bossy and is a control freak, but I could not have done without her. I have got things that no other senator ever dreamed about. Her loyalty and her dedication, not only to my office but also to the Senate, have been absolutely impeccable. I do not know what I will do without her. We argue, but we are the best of friends — which is what this place is all about. It is not just about being here. It is about how we treat each other. I gave the people who clean our offices a copy of the publication “The Senate Today,” to make sure they understand the Senate. I want them to be proud of working in our wonderful chamber.

I will not retire. There are other mountains for me to climb. When you retire, you die. I have talked to the good Lord, and I will not go until I am about 95, so I have a lot of work to do.

Hon. Senators: Hear, hear!

Senator Chalifoux: We have had a lot of fun here. We have had a lot of debate. I thank Senator John Lynch-Staunton, because when I first came into this place, he was speaking. What a parliamentarian! What a debater! Senator Grafstein just amazes me. I love debates, and those gentlemen just amaze me. I was so thrilled to be here to listen to the vibrant, wild debates. They never lost sight of the issue. It was not about personalities; it was about good, straight issues, which I thoroughly enjoyed.

When I go back home, I talk about the Senate and its importance and about how we are needed, especially out West where we do not have too many representatives in the government side. The Senate is so vitally important. We must go and talk to the people about the work that we do here in the Senate. We are the best-kept secret in the country — but the secret is out. It is up to us to make sure that all Canadians know what a wonderful government we have and what a wonderful parliamentary system we have.

I thank each and every one of you, from the people who clean our offices right through to the Speaker of the Senate. Thank you

so much for the wonderful opportunities that I have been given. I also thank the good Lord for giving me the opportunity to represent my people and to bring our issues forward. Once again, thank you from the bottom of my heart. I will be back!

Hon. Senators: Hear, hear!

Hon. Joyce Fairbairn: Honourable senators, to keep this mood flowing, I want to say a few words about Thelma.

It gives me both pride and sadness to say farewell to one of the most outstanding friends I have met in this place in 20 years, my Alberta sister, Thelma Chalifoux.

Having survived a life of incredible hardship, remarkable service, challenges that others would shrink from, Thelma has not only been a great senator but a tough and loving model for seven children, 30 grandchildren and 26 great grandchildren. She has worked her way through abusive marriages and life-threatening health problems, and will continue to fight on for her causes wherever needed when she retires from this house.

What Thelma has achieved in this chamber on behalf of all Aboriginal people will become part of their history and of ours. As the first Aboriginal woman and first Metis woman to become a senator, she has set a course that this house is bound to follow in years ahead. So much has been done that it is hard to believe that it has only been slightly over six years.

• (1400)

On her own initiative, Thelma has tackled the very definition of the Metis, a long-standing and tragic puzzle to governments and non-Aboriginal people, which has placed Metis communities across this country at a historic disadvantage in terms of rights and responsibilities for their families and the lands on which they live.

She has had great influence through the work of the Aboriginal Peoples Committee, and through that committee work she leaves Parliament and governments with an important tool for future action on the strategy for urban Aboriginal peoples, with special emphasis on youth and all their problems. For her endless effort throughout her life, Thelma has received almost every award there is, including the prestigious National Aboriginal Achievement Award.

Honourable senators, all of us have been honoured by Thelma's appointment to this place. From my own perspective, as an Albertan, as a Kainai Chief and as a woman, her friendship is the gift of a lifetime and her departure from the Senate is a great loss. However, one is comforted by the statement and the reality that Thelma will never stop pursuing her causes and the dreams of her people. She is already working on projects for the future.

You are much loved, Thelma, and I hope you will take good care of yourself and save some time to fully enjoy that large and remarkable extended family for whom you are such a source of affection. May you fly always on the wings of an eagle.

Hon. Lorna Milne: Honourable senators, Thelma Chalifoux had only been in the Senate for three days when she rose to her feet in indignation in response to some ill-considered remark by an unsuspecting senator. She proceeded to introduce us all to the concept of the Mid-Canada corridor, that vast stretch of our Boreal forest that goes from coast-to-coast, which encompasses most of Canada's natural resources and is the ancestral homeland of Thelma Chalifoux's people, the Metis of Rupert's Land. As she pointed out here yesterday, they are the true Canadians.

During the entire length of her term in the Senate, Thelma has continued to educate us, to challenge us, and to fight for the rights and the betterment of her people. Others have listed Thelma's accomplishments in this place, so I will not repeat them, but one of her most outstanding accomplishments has been the huge number of enduring friendships that she has built here.

Honourable senators, this extraordinary woman from Morinville, Alberta, has made an enduring and historic mark on this place and on the laws that will govern all Aboriginal peoples in Canada for years to come.

Senator Chalifoux, as you said yesterday, you have worked all your life and you are not about to stop now. I predict that Parliament Hill has not seen or heard the last of you.

Senator Chalifoux: You are right!

Senator Milne: The Honourable Thelma Chalifoux: senator, matriarch, warrior, wise woman, true and loyal friend, sister and seatmate. Thelma, my dear, you have no idea how much I will miss you and the laughter and the tears that we have shared in this place for six years.

Hon. Ione Christensen: Honourable senators, I wish to add my good wishes to Senator Chalifoux. She was a senator in the Metis Nation before she came to this place and so brought a special perspective in developing the role that she would play in the short six years that she has been here.

What a role you have played, Thelma. Your name is known from sea-to-sea-to-sea. You have touched so many lives in so many positive ways and, true to our calling as senators, it has been the lives of minorities. No senator, no MP, no minister and, yes, no Prime Minister, was safe when you were working on a file for fairness or justice, and you had success. You would cut to the chase, use good old common sense, throw out the red tape and solve the problem. "Do not tell me what I cannot do, just tell me how I can do what I want to do" is your philosophy. How refreshing and effective, even though bureaucrats would blanch at the prospect of such fast-tracking methods.

As northern bush girls, you and I found a common affinity on my first day, and our friendship has grown over the last four years. I will miss you. Be happy on your plantation. I know retirement is the farthest thing from your mind, but take care of yourself and enjoy those 26 grandchildren. Happy trails.

Hon. Douglas Roche: Honourable senators, to learn the story of the life of Thelma Chalifoux is to absorb a lesson in courage, to overcome adversity, personal strength, to fight for the good of her family, and deep commitment to the Metis people to help them overcome historic discrimination. To sit in the Senate chamber with Thelma Chalifoux is to be inspired at her determination to help all Aboriginal people claim their rightful place in our society.

To have heard Senator Thelma Chalifoux's speech yesterday — no, not a speech, rather an eloquent yearning for social justice for her people — is to be humbled and energized to join her in her call to the government to live up to its responsibilities.

To have the friendship of Thelma Chalifoux — this congenial woman who wears those wonderful hats — is to be truly blessed, and I will never forget her.

Hon. Nick G. Sibbeston: Honourable senators, in the few years that Thelma Chalifoux served as senator for Alberta, she exuded a huge presence Metis presence, representing Metis, First Nations and indeed all Albertans in a very dignified and respectful manner. She was passionate about improving the lot of Aboriginal people, particularly those who fell through the cracks or were marginalized. This often included Metis people. She challenged the status quo government in committee, in caucus and in this place.

Indeed, she has been a tiger, particularly chairing the Aboriginal Peoples Committee and doing a study on Aboriginal youth in urban centres. Their report, which has 16 recommendations, will be part of her legacy. The challenge to those of us left behind will be to ensure that the new government takes notice. It is there in plain English and French in terms of what the government ought to do to alleviate the problems among the native people of our country.

Thelma has spent her life helping people and has been a good bridge between non-native and Aboriginal people. She has been involved all her life in Alberta, helping to establish Aboriginal organizations and to make them effective. She has dealt with land claims and helped set up the first friendship centre in Slave Lake. She has had a busy life. Knowing her, she will be busy right to her last breath.

Thelma has received awards from the National Aboriginal Achievement Foundation and recognition for who she is. Just last year she was given a Circle of Honour Award from an institute in Alberta promoting the advancement of women. I am pleased to announce to all of my colleagues here that she has been offered an Honorary Doctor of Law Degree from the University of Toronto, and she intends to accept — so senator no more; we will have to address her as Her Eminence, Dr. Chalifoux.

Thelma leaves to go back to her cabin in Morinville and her seven children, 30 grandchildren and 26 great grandchildren. Bon voyage, notre ami.

• (1410)

Hon. Mira Spivak: Honourable senators, Senator Thelma Chalifoux is the most spiritual and practical woman I have ever met. She has tried to instill some of that spirituality in me; however, Thelma, I am afraid it will take a lot more time to do so. Her spirituality is of a healing fashion. I have experienced some of it, and I thank Senator Chalifoux for it.

I have a vivid memory of Thelma plowing through the woods of Finland, at minus 20, on two canes and with some Finnish soldiers. We must have walked a couple of miles and Thelma would not give up. She would not be taken on a stretcher — she wanted no assistance.

Thelma, I wish you only the very best in the future. You told me that diamonds might be discovered in your area. As you know, diamonds are a girl's best friend. I hope they discover all kinds of them. I know you will not wear them. I know you will pawn them and use the money for one of your wonderful causes. However, you should wear at least one!

Good luck.

Hon. Vivienne Poy: Honourable senators, I rise today to pay tribute to the Honourable Senator Thelma Chalifoux.

Since I came to this chamber in 1998, she has been an inspiration and a good friend to me. I am always watching to see what Thelma is up to, as many of us do.

I believe we share many of the same beliefs and that we both value human rights and justice. We share a passion for honouring the diversity of this country and for championing women's rights.

On behalf of the most needy, I salute her for all her work, both in this chamber and in the work she has done with individuals in her community.

Throughout her time in the Senate, in particular as Chair of the Standing Senate Committee on Aboriginal Peoples, and in her recent work on Aboriginal women's matrimonial property rights in the Standing Senate Committee on Human Rights, she has spoken for those who might otherwise not be heard in our political system. She has become a role model for Aboriginal people throughout Canada. Her strong presence in Canada has helped put Metis on the national agenda as well as raise awareness of Metis issues among the general population.

Since 1997, when Thelma was appointed to the Senate, she has focused on improving the lives of the people of this country. She has done much to raise awareness about poverty and the inequities that continue to exist in Canada.

She has also tried to exonerate the Metis hero Louis Riel through a bill that died on the Order Paper on two occasions. By raising this issue, Thelma has done much to spur on public debate about the role of Louis Riel in the history of Canada. As we all know, that debate will continue.

Last year, I had the great opportunity to attend the Esquao Awards Gala in Edmonton, along with a number of other senators, at which Senator Chalifoux received from the Institute for the Advancement of Aboriginal Women the Circle of Honour Award, the highest award given by the institute. I know Senator Sibbeston mentioned this award, but I want to mention it again because it is very important. It was clear that she had earned the respect and affection of her community, both for her accomplishments and for the fact that she has never forgotten from where she comes.

Thelma is officially retiring from the Senate, but her impact will continue in this country. As she has just confirmed to us, she spoke to the Great Lord and she will be around for another 20 years. Therefore, we will continue to hear from Thelma, who will continue to improve issues that affect Canada.

Today, I am losing a valued colleague but I will continue to have a good friend. Thelma, I am going to miss you, but our paths will cross again very soon.

ROUTINE PROCEEDINGS

FOREIGN AFFAIRS

REPORT PURSUANT TO RULE 104 TABLED

Hon. Peter A. Stollery: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Foreign Affairs. This report outlines the expenses incurred by the committee during the Second Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 47.)

PERSONAL WATERCRAFT BILL

FIRST READING

Hon. Mira Spivak presented Bill S-8, concerning personal watercraft in navigable waters.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Spivak, bill placed on the Orders of the Day for second reading two days hence.

LOUIS RIEL BILL

FIRST READING

Hon. Thelma J. Chalifoux presented Bill S-9, to honour Louis Riel and the Metis People.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Chalifoux, bill placed on the Orders of the Day for second reading two days hence.

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

MEETING OF ORGANIZATION FOR SECURITY
AND CO-OPERATION IN EUROPE—
OCTOBER 9-11, 2003—REPORT TABLED

Hon. Jeremiah S. Grafstein: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation of the Canada-Europe Parliamentary Association, OSCE, to the Organization for Security and Co-operation in Europe Parliamentary Assembly, fall meetings in Rome, Italy, October 9 to 11, 2003, when we had the honour of having an audience with His Holiness, the Pope.

• (1420)

NATIONAL SECURITY AND DEFENCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO CONTINUE STUDY ON NEED
FOR NATIONAL SECURITY POLICY

Hon. J. Michael Forrestall: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(i), I move that the following motion be placed on the Orders of the Day for consideration later this day:

That the Standing Senate Committee on National Security and Defence be authorized to examine and report on the need for a national security policy for Canada. In particular, the Committee shall be authorized to examine:

- (a) the capability of the Department of National Defence to defend and protect the interests, people and territory of Canada and its ability to respond to or prevent a national emergency or attack and the capability of the Department of Public Safety and Emergency Preparedness to carry out its mandate;
- (b) the working relationships between the various agencies involved in intelligence gathering, and how they collect, coordinate, analyze and disseminate information and how these functions might be enhanced;

(c) the mechanisms to review the performance and activities of the various agencies involved in intelligence gathering; and

(d) the security of our borders.

That the papers and evidence received and taken during the First and Second Sessions of the Thirty-seventh Parliament be referred to the Committee;

That the Committee report to the Senate no later than June 30, 2004 and that the Committee retain all powers necessary to publicize the findings of the Committee until July 30, 2004.

The Hon. the Speaker: Honourable senators, is leave granted?

Some Hon. Senators: No.

The Hon. the Speaker: Leave is not granted. It will be taken as notice.

On motion of Senator Forrestall, motion placed on the Orders of the Day for consideration two days hence.

TRANSPORT AND COMMUNICATIONS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO CONTINUE STUDY ON MEDIA INDUSTRIES

Hon. Joan Fraser: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Transport and Communications be authorized to examine and report on the current state of Canadian media industries; emerging trends and developments in these industries; the media's role, rights, and responsibilities in Canadian society; and current and appropriate future policies relating thereto;

That the Committee submit its final report to the Senate no later than Thursday, March 31, 2005; and

That the papers and evidence received and taken on the subject and the work accomplished during the Second Session of the Thirty-seventh Parliament be referred to the Committee.

[Translation]

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO
PERMIT ELECTRONIC COVERAGE

Hon. Joan Fraser: Honourable senators, I give notice that at the next sitting of the Senate I shall move:

That the Standing Senate Committee on Transport and Communications be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE
COMMITTEE TO ENGAGE SERVICES

Hon. Joan Fraser: Honourable senators, I give notice that at the next sitting of the Senate I shall move:

That the Standing Senate Committee on Transport and Communications have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

[English]

FOREIGN AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO CONTINUE STUDY ON TRADE RELATIONSHIPS
WITH UNITED STATES AND MEXICO

Hon. Peter A. Stollery: Honourable senators, I give notice that at the next sitting of the Senate I shall move:

That the Standing Senate Committee on Foreign Affairs be authorized to examine and report on the Canada-United States of America trade relationship and on the Canada-Mexico trade relationship, with special attention to (a) the Free Trade Agreement of 1988; (b) the North America Free Trade Agreement of 1992; (c) secure access for Canadian goods and services to the United States and to Mexico; and (d) the development of effective dispute settlement mechanisms, all in the context of Canada's economic links with the countries of the Americas and the Doha Round of World Trade Organization trade negotiations;

That the papers and evidence received and taken during the second session of the Thirty seventh Parliament be referred to the committee,

That the Committee shall present its final report no later than June 30, 2004, and that the Committee shall retain all powers necessary to publicize the findings of the Committee as set forth in the final report until July 31, 2004.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO CONTINUE STUDY ON ISSUES RELATED
TO FOREIGN RELATIONS

Hon. Peter A. Stollery: Honourable Senators, I give notice that at the next sitting of the Senate I will move:

That the Standing Senate Committee on Foreign Affairs, in accordance with rule 86(1)(h), be authorized to examine such issues as may arise from time to time relating to foreign relations generally; and

That the committee report to the Senate no later than June 30, 2004.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO PERMIT ELECTRONIC COVERAGE

Hon. Peter A. Stollery: Honourable senators, I give notice that at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Foreign Affairs be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE
COMMITTEE TO ENGAGE SERVICES

Hon. Peter A. Stollery: Honourable senators, I give notice that at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Foreign Affairs have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as referred to it.

RULES, PROCEDURES AND
THE RIGHTS OF PARLIAMENT

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO PERMIT ELECTRONIC COVERAGE

Hon. Lorna Milne: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Committee on Rules, Procedures and the Rights of Parliament be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO CONTINUE STUDY ON STATE OF DOMESTIC
AND INTERNATIONAL FINANCIAL SYSTEM

Hon. Richard H. Kroft: Honourable senators, I give notice that at the next sitting of the Senate I will move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report upon the present state of the domestic and international financial system;

That the papers and evidence received and taken on the subject during the First and Second Sessions of the Thirty-seventh Parliament and any other relevant Parliamentary papers and evidence on the said subject be referred to the committee; and

That the committee submit its final report no later than December 31, 2004.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO CONTINUE STUDY ON ISSUES RELATED TO MANDATE

Hon. Tommy Banks: Honourable senators, I give notice that at the next sitting of the Senate I will move:

That the Standing Committee on Energy, the Environment and Natural Resources be authorized to examine and report on emerging issues related to its mandate:

- (a) The current state and future direction of production, distribution, consumption, trade, security and sustainability of Canada's energy resources;
- (b) Environmental challenges facing Canada including responses to global climate change, air pollution, biodiversity and ecological integrity;
- (c) Sustainable development and management of renewable and non-renewable natural resources including water, minerals, soils, flora and fauna;
- (d) Canada's international treaty obligations affecting energy, the environment and natural resources and their influence on Canada's economic and social development; and,

That the papers and evidence received and taken by the Committee during the Second Session of the Thirty-seventh Parliament be referred to the Committee;

That the Committee report to the Senate from time to time, no later than February 28, 2005, and that the Committee retain until March 31, 2005 all powers necessary to publicize its findings.

[Translation]

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY CREDIT RATES

Hon. Madeleine Plamondon: Honourable senators, I give notice that at the next sitting of the Senate I shall move:

That the Standing Senate Committee on Banking, Trade and Commerce place a study of credit rates on its agenda for the current session.

OFFICIAL LANGUAGES

BILINGUAL STATUS OF CITY OF OTTAWA— PRESENTATION OF PETITION

Hon. Jean-Robert Gauthier: Honourable senators, I have some 1,000 petitions to table, making a total of 21,834 petitions asking that Ottawa, the capital of Canada, be declared a bilingual city reflecting the linguistic duality of the country.

The petitioners pray and request that the Parliament consider the following points:

That the Canadian Constitution provides that English and French are the two official languages of our country and have equality of status and equal rights and privileges as to their use in all institutions of the government of Canada;

That section 16 of the Constitution Act, 1867, designates the city of Ottawa as the seat of government of Canada; and

That citizens have the right in the national capital to have access to the services provided by all institutions of the Government of Canada in the official language of their choice, namely English or French;

That Ottawa, the capital of Canada, has a duty to reflect the linguistic duality at the heart of our collective identity and characteristic of the very nature of our country.

Therefore, the petitioners call upon Parliament to affirm in the Constitution of Canada that Ottawa, the capital of Canada — the only one mentioned in the Constitution — be declared officially bilingual, under section 16 of the Constitution Acts from 1867 to 1982.

• (1430)

[English]

QUESTION PERIOD

PRIME MINISTER

MEETINGS WITH ETHICS COUNSELLOR ON BLIND TRUST

Hon. Marjory LeBreton: Honourable senators, I have a question for the Leader of the Government in the Senate. I would like the leader to clarify one of his answers of yesterday. In response to Senator Nolin's question about the Prime Minister's briefing on his holdings, the Leader of the Government said:

The Prime Minister was not involved in the management of CSL, and he excused himself from any issues related to the management of CSL.

If the Prime Minister excused himself from any issues related to the management of CSL, why did he attend a 1996 meeting with CSL President Sam Hayes about a company contract with Jawa Power?

Hon. Jack Austin (Leader of the Government): Honourable senators, I do not have any information on which that question is based. I will have to seek such information and reply at a later time.

Senator Lynch-Staunton: How convenient.

Senator LeBreton: I will help then. In an article in the *Ottawa Citizen* of February 17, 2003, Ethics Counsellor Wilson states clearly that Mr. Martin was "well aware" of the Jawa Power contract with CSL. Former Prime Minister Chrétien also stated there were meetings with the managers of Mr. Martin's trust "who wanted to inform him of this so-called important decision to be made." This was recorded in Hansard on February 18, 2003.

In light of these statements, how can the Leader of the Government say that Mr. Martin was not involved in CSL decisions?

Senator Austin: I guess, honourable senators, the question is whether "involved" means to participate in making decisions. I would compare that with being informed where he does not participate in making decisions. As I said yesterday, under the current rules, members of cabinet who are subject to the code of conduct are allowed to know what the value of their assets may be.

As for further questions, if there are any of substance, I will be pleased to pursue the information.

Senator Lynch-Staunton: Not the embarrassing ones.

Senator LeBreton: I would rather think that direct quotes from Howard Wilson are of substance, although I guess one could argue that.

I have another brief question. Was Mr. Martin at any time briefed about contracts that CSL received from the government?

Senator Lynch-Staunton: Yes or no.

Senator Austin: Honourable senators, the situation is that Mr. Martin complied with all the rules that applied to cabinet ministers when he was Minister of Finance. Any meetings conducted were held with the attendance of the Ethics Counsellor to ensure that those rules were applied. Therefore, I think the question is fully answered.

JUSTICE

INVESTIGATION INTO MAHER ARAR CASE— SEIZURE OF JOURNALIST'S DOCUMENTS— COMMENTS BY PRIME MINISTER

Hon. Jack Austin (Leader of the Government): Honourable senators, while I am on my feet, I would like to answer a question that Senator Andreychuk asked yesterday relating to Ms. O'Neill of the *Ottawa Citizen*. Senator Andreychuk asked me to make further inquiries to determine the Prime Minister's meaning.

I am advised that the Prime Minister was simply indicating that in the absence of charges or conviction there was no basis to suggest that Ms. O'Neill is a criminal. There is a presumption of innocence. The Prime Minister gave no indication that journalists as a class of people should be above legal inquiry.

Senator Lynch-Staunton: He never said that; that is after the fact. Spin away; spin away.

CITIZENSHIP AND IMMIGRATION

DEPORTATION OF INDIVIDUALS TO NORTH KOREA

Hon. Consiglio Di Nino: Honourable senators, we are witnessing the development of the heart-wrenching plight of Mr. Song Dae Ri and his six-year-old son, refugees from North Korea.

Mr. Ri has been refused refugee status, even though the IRB member who ruled on the issue admits Mr. Ri would likely be executed if he returns to North Korea. The Immigration and Refugee Board's reason for refusal is apparently related to his job in the North Korean government; that is guilt by association. Canada's war crimes unit gave written assurance to the IRB that Mr. Ri was "not a person of interest" to them.

Can the Leader of the Government in the Senate shed some light on this matter for us? Has Canada changed its position about deporting people to countries where the possibility of either capital punishment or execution exists?

Hon. Jack Austin (Leader of the Government): Honourable senators, the question raises a matter that I also consider to be one of serious concern. The official of the Immigration and Refugee Board has made a determination based on the rules that apply. He has applied a rule based on a finding that Mr. Ri had been a senior official of the North Korean government and that government had acted contrary to humanitarian rules and values. However, an additional process remains available to Mr. Ri. I am assured that he still has the opportunity for a pre-removal risk assessment. During that process, I am advised that he would only be ordered removed if the finding is that the danger posed by Mr. Ri to Canadian society outweighs the risks in his deportation.

Senator Di Nino: Honourable senators, this comment is totally non-partisan because it goes back over years. Past governments have admitted to this country some of the worst criminals in the world through special intervention by the minister. Just for your information, Ms. Ri was in Canada with her husband. Apparently she was lured back to North Korea under false pretences, where she was executed. Mr. Ri's father was also executed, apparently because of his son's actions, as a lesson.

Honourable senators, this is the time for a ministerial permit, obviously after an appropriate review. Regardless of the validity of the unproven accusations against Mr. Ri, surely now is the time for the Government of Canada to take action.

I ask this question of the minister. Will we not become accessories or accomplices to a likely execution? Will we not be accessories to the orphaning of a six-year-old boy? Could the minister answer that, please?

Senator Austin: Honourable senators, I will be very happy to add my own representations to those that Senator Di Nino has just made when I raise the matter with my cabinet colleagues.

Hon. Pierre Claude Nolin: I have a question for the Leader of the Government in the Senate. I think we all agree that there must be a solution to this situation. It is a big problem. I believe that the minister's colleagues will take the proper decision.

• (1440)

However, that raises a broader question: What was going on at the IRB for such a decision to have been taken? There is a problem with the board, and the proper authority must solve it. I do not know how, but I hope the minister can convey to his colleagues that there is a problem and that the board should be reorganized.

I fully understand that the IRB is a quasi-judicial body; nevertheless, if we need to fix the law that gives the board the authority to make such decisions, we will fix it.

Honourable senators, there is a problem here because such a story cannot be Canadian. We hear such stories from other countries, but not from Canada. I hope the minister agrees with me.

Senator Austin: Honourable senators, I will certainly take into account what the Honourable Senator Nolin has said. At the same time, and in no way reducing my commitment to make these representations, I wish simply to indicate that this case has been applied to existing rules. It may well be that those rules would apply to another individual found to be a member of a government or administration or junta that had committed war crimes or inhumane acts. In terms of legal process, there is always a question that there be a general rule; but, under the existing system, if the general rule is being applied inappropriately, I would certainly be concerned to know that. If it is being applied appropriately, other stages of the process will take the humanitarian factors into consideration.

Hon. A. Raynell Andreychuk: Honourable senators, I trust that the due process as envisioned for this case was followed. If not, of course, the honourable leader has undertaken to look into the matter.

It seems to me that there is a parallel here. The law works, but sometimes there are these aberrations. That is why there is a minister's permit, an escape valve. The *Burns and Rafay* case concerning criminal extradition indicated ministerial discretion, and the minister refused to say how the minister would use that discretion. The court clearly said that under no circumstances can the minister exercise the discretion if it would lead to death because we have abolished the death penalty in Canada.

The same reasoning surely applies in this case. The minister should exercise that discretion immediately to ensure that we do not find ourselves in the same position as we did regarding criminal extradition.

I do not see why the minister has delayed in taking action. I think the process has been followed and has come to a conclusion,

but there is a safety valve to ensure that the death penalty does not result from our actions. All that is left is simply for the minister's government to act.

Senator Austin: Honourable senators, I appreciate Senator Andreychuk's addition to this series of questions. I will also examine the *Burns and Rafay* case to see precisely what it says. If, in my view, it adds to the argument that I would like to make, I can assure honourable senators that I will make that argument.

Senator Andreychuk: My point is that perhaps the minister had greater discretion because of our national interest and our safety and security. In the *Burns and Rafay* case, that was put aside, and the ruling was that the minister must exercise in favour of not having someone returned to a country where they could face execution. In this case, there is no question of our national safety and security. No one has raised that point.

Senator Austin: Honourable senators, in fact, it has been raised. That is a question, again, to be examined, but the honourable senator's point is absolutely apposite to the issue.

CANADIAN BROADCASTING CORPORATION

DISPARAGING COMMENTS BY SPORTS COMMENTATOR DON CHERRY

Hon. Jean-Robert Gauthier: Honourable senators, I have a question for the Leader of the Government in the Senate.

I tabled a complaint with the Official Languages Commissioner today concerning a certain comment made recently by CBC sports commentator Mr. Don Cherry. It is not the first time that Mr. Cherry has made disparaging remarks about French-speaking people.

In his commentary, Mr. Cherry suggested during Coach's Corner on CBC's *Hockey Night in Canada* that drug use in junior hockey was limited to the Quebec Major Junior Hockey League. Those comments are untrue because drugs in sports are becoming a global issue. Just look at the Olympics, for example. Many medal winners have lost medals because of positive drug tests.

Also during the January 24 broadcast, Mr. Cherry berated those who are calling for the mandatory use of protective visors by NHL players in the wake of several injuries caused by high-sticking. Mr. Cherry added that the only players who wear visors are European and French. Once again, Don Cherry is not factual. Nearly 40 per cent of NHL players wear the protective visor, and so they should.

Maybe Don Cherry should pay more attention to what is happening on the ice instead of making offensive comments about players because they have a French name or because they come from Quebec. The CBC should sanction Mr. Cherry for his comments. Comments like those do not reflect Canadian values, as it is the CBC's mandate to do.

I would like the Leader of the Government in the Senate to please raise this matter with the President of the CBC, Mr. Robert Rabinovitch. Could the minister tell him that some of us in the Senate do not agree with Mr. Cherry's comments, disagree totally with his methods and would ask him to shut up?

Some Hon. Senators: Hear, hear!

Senator Gauthier: Could the minister please add that those comments by Mr. Cherry are not considered to be conducive to unity in Canada? He is being divisive.

Hon. Jack Austin (Leader of the Government): Honourable senators, as we all know, the CBC is an independent Crown corporation and has responsibility for its programming and operations. I believe that the CBC has already issued a formal expression of disagreement with the remarks made by Mr. Cherry. I suggest to the honourable senator that he direct his comments to the CBC and its ombudsman for their consideration. They have undertaken to look at the issue forthwith.

Specifically, I would be very happy to call the President of the CBC and advise him of the honourable senator's representations and my agreement with them.

AGRICULTURE AND AGRI-FOOD

BOVINE SPONGIFORM ENCEPHALOPATHY— EFFECT ON CATTLE TRADE

Hon. Leonard J. Gustafson: Honourable senators, I want to ask a question about the very serious problem of mad cow disease. I mentioned to the house leader that I would ask this question. It is one that I am sure concerns all senators in this place. The seriousness of the situation is growing every day.

A new crop of calves is being born as we sit here. Within a month and a half, there will be about 50 per cent more cattle in the country than there are now. That will raise the problem of how farmers will feed these cattle, what they will do for grass and so on. The situation is very serious, as I am sure all honourable senators are aware.

My question is very simple: Could the minister give us an update on how the government views this situation? Farmers have already lost about \$3 billion. We must look at every possible way to solve this problem.

Hon. Jack Austin (Leader of the Government): Honourable senators, I could not agree more with the honourable senator's last sentence. Every possible way must be sought to deal with this particular issue.

• (1450)

I have been advised that Canadian beef consumption has risen appreciably. I think we both agree that Canadian consumers are doing all they can to support the beef industry. I might add that I have recently been to Hy's many more times than I used to visit.

This issue is being addressed at meetings with provincial officials because, as Senator Gustafson knows, it is a federal-provincial program. While \$700 million has been provided by governments, the industry does not know how to calculate its available market and may be overproducing, with consequent losses. Yet, if the producer does not have the opportunity to bring new product to market in a timely way and the Americans do open their border to live cattle — which, as Senator Gustafson knows, is the goal of the federal government and the provinces affected — there may be an open market but no Canadian product to supply it for another cycle.

I am very appreciative of the problem and will seek to inform Senator Gustafson as soon as possible.

Senator Gustafson: I thank Senator Austin for that answer.

Honourable senators, I have been speaking by telephone with farmers in the last day or two. One of the most serious problems they are facing is that, having been encouraged to expand their herds, many of them borrowed money to do so. The price of the cattle they bought is considerably less today. The numbers I hear range from \$1.20 a pound down to 60 cents a pound.

The situation continues to worsen. One farmer told me that they are actually doing away with cattle, which is very serious. No one is to blame for it. I believe that the Canadian government has done an excellent job and the health department has done a very good job of assuring people that beef is as safe as it can possibly be, and I believe that the whole situation is over exaggerated.

There have been several high-level meetings between government officials, including the Minister of Agriculture. The Prime Minister has met with the President of the United States. Following those meetings, the Canadian Ambassador to the U.S., Michael Kergan, held a briefing in Washington where he presented the view that, despite opposition by some U.S. beef producers to resuming live cattle trade, Canada is not fighting a real uphill battle in Washington to get the current ban dropped.

That sounds very encouraging. Was the ambassador referring to something that we do not know about?

Senator Austin: Honourable senators, I share Senator Gustafson's lack of awareness of the circumstances to which Ambassador Kergan may be pointing. I will make inquiries immediately.

Senator Gustafson: There are some possible solutions to the problem, and they have probably been investigated. The most important solution is to get the borders open, as we know. If the borders do not open, cattle trade may change forever. Another solution may be processing beef in Canada and seeking new markets in the international marketplace.

Could the minister find out if some of these avenues are being investigated?

Senator Austin: Honourable senators, I will personally speak to the Minister of Agriculture about these issues as soon as the opportunity arises.

FOREIGN AFFAIRS

CANADA-UNITED STATES RELATIONS— COMMENTS IN MEDIA

Hon. Gerry St. Germain: Honourable senators, my question is directed to the Leader of the Government in the Senate as well.

Senator Gauthier spoke about damage caused by derogatory statements. Our national magazine, *Maclean's*, carried the following on its cover: "Canadians to Bush: Hope you lose, eh," and a damaging article with regard to our relationship with the Americans.

I was going to make a Senator's Statement on that today, but Senators' Statements were dedicated to Senator Chalifoux. I believe that the media must be more responsible. This is damaging. We must deal with the Americans on softwood lumber, BSE and various other issues, yet our great *Maclean's* magazine is saying, "Hope you lose, eh." I am not sure that we want to interfere with the freedom of the press, but if Canadians do not become more responsible, relations between us and the Americans will continue to deteriorate.

Can the Leader of the Government in the Senate suggest any way of influencing the people in this country who have a responsibility for the well-being of this country to ensure that we do not have situations like this?

This is such a strange event that I do not know whether there is an answer to it.

Hon. Jack Austin (Leader of the Government): Honourable senators, I am impressed that Senator St. Germain has been able to read this week's issue of *Maclean's* as early as this. I usually reserve it for the flight back to Vancouver, which I hope will be either tonight or tomorrow.

Obviously, the media is free to express their opinions, even if they are not in agreement with government, opposition or Canada's self-interest. We here and the Canadian public are free to disagree and to express that disagreement publicly.

Senator St. Germain has begun to make his concerns known. If others have the same concerns, they should become part of the process.

NATIONAL DEFENCE

AFGHANISTAN—USE OF ILTIS JEEP

Hon. J. Michael Forrestall: Honourable senators, I have a question for the Leader of the Government in the Senate. We are now rotating new troops into Afghanistan, and the Prime Minister said that we will leave 500 Canadian Forces there. Are they to be there like the troops we left in Hong Kong and on the shores of Europe at Dieppe? Hopefully the government will not leave these troops there.

Can the Leader of the Government tell us the current status of Canadian troops in Afghanistan? Are they using the Iltis Jeep outside of the confines of their encampment in Kabul? When will the lightly armoured Wolf vehicle arrive there? Due of the importance of the latter part of this question, I would appreciate, in addition to the minister's verbal response, a tabled written reply.

Hon. Jack Austin (Leader of the Government): Honourable senators, I have no information at this time in reply to the honourable senator's question. I will be pleased to seek the information he has requested and give him a written reply.

• (1500)

However, I am told that the LUVW project is accelerating the delivery of the first 100 standard military-pattern vehicles with armoured protection systems in order to replace some of the Iltis vehicles presently deployed in Afghanistan, and it is expected that 60 G-Wagens will be in Afghanistan by early March.

Senator Forrestall: I appreciate that very much, but not nearly as much as the troops serving in Afghanistan will appreciate it. Early March is still a month to a month-and-a-half away. I appreciate the minister's undertaking to table a written response to that matter.

AFGHANISTAN—INVESTIGATION INTO DEATH OF CORPORAL JAMIE MURPHY

Hon. J. Michael Forrestall: Honourable senators, can the Leader of the Government in the Senate tell us anything about the status of the investigation into the death of Corporal Jamie Murphy — more specifically, whether DNA samples or other forensic evidence was taken from the suicide bomber? Has the bomber been identified? Was it Abdullah Khadr? Will the investigation's findings be made public? If so, does the leader have any idea when?

Hon. Jack Austin (Leader of the Government): Honourable senators, the best way for me to respond to those issues is to provide written answers when the information is available.

[Translation]

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, I would like to present Marie Chantal Thériault, a page visiting us from the House of Commons. She is from Fredericton, New Brunswick, and is enrolled in the Faculty of Public Affairs and Policy Management at Carleton University, with a major in international development. Welcome to the Senate of Canada.

[English]

ORDERS OF THE DAY

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Trenholme Counsell, seconded by the Honourable Senator Massicotte, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the Third Session of the Thirty-seventh Parliament.—(2nd day of resuming debate)

Hon. Gerry St. Germain: Honourable senators, the Speech from the Throne made many promises of programs and initiatives to benefit Canada's Aboriginal peoples. Much has been made of the new government's interest in Aboriginal issues and its commitment to improve their circumstances. However, honourable senators, we have heard it all before, in previous throne speeches.

First Nations have all too often experienced confrontation instead of conciliation. Concern and cooperation with First Nations became buzzwords that got lost in the winds of rhetoric.

The 2001 throne speech contained promises to help Aboriginal people living in urban centres, to improve native housing and education and to increase support for Aboriginal business development. The recent Speech from the Throne has promised much of the same, but will the government's vague assurances mean significant change for Aboriginals? Unfortunately not, if Monday's speech is any guide.

The need for improved governance in Aboriginal communities was a big part of the Aboriginal section of the Throne speech, most notably with the announcement of the creation of an independent centre for First Nations government.

We know that the federal government intends to bring forward bills implementing two self-government agreements that have already been agreed upon. The bill dealing with the Westbank First Nations self-government agreement will have to be reintroduced, while a bill dealing with governance and land claims for the Dogrib First Nation in the Northwest Territories must be brought forward for the first time.

The government had previously made known that a controversial and much-hated bill dealing with native governance will not be coming back to Parliament this session. The Prime Minister's decision not to reintroduce Bill C-7, the proposed First Nations Governance Act, has been presented as evidence of the federal government's new willingness to consult with Aboriginal groups on legislation that affects them. Although it was not adopted, the animosity and mistrust caused by the

promotion of that particular bill was extremely destructive to the relationship between the federal government and our First Nations, and I believe was problematic for the former chief of the AFN, Chief Matthew Coon Come.

The new government is eager to show its divergence from the Chrétien government by touting a cooperative approach when dealing with Aboriginal legislation. In fact, this approach has so far not been consistent.

The Speech from the Throne did not mention that Mr. Martin's government will reintroduce Bill C-19, the proposed First Nations Fiscal and Statistical Management Act. Bill C-19 died on the Order Paper last fall, having reached committee stage in the other place. The majority of the First Nations have clearly objected to that bill, which claimed to fix fiscal accountability and management problems within the bands. First Nations have stated that the new system found in the bill is being imposed on bands and that it infringes upon their rights while relaxing the obligations of the federal government. The new Minister of Indian Affairs and Northern Development included that bill when he laid out his legislative agenda last month for the new session of Parliament.

Given the Prime Minister's concern for Canada's Aboriginal people and the pronouncement of cooperation and consultation, where, then, is the pursuit of meaningful consultation with Aboriginal peoples on this particular matter? In this case, as with many others, it would appear that this Liberal government continues to do business the same old way.

Honourable senators, the Throne Speech described the conditions in which many Aboriginal people live as "shameful." They were correct in that. Sadly, there are not many who would disagree with that opinion. The issue of native housing is certainly one that needs to be addressed seriously, not superficially. There is a huge difference, however, between recognizing a problem and stating what is needed to fix it. Unfortunately, this problem — one of the biggest facing Aboriginals — was not addressed at all in the Throne Speech.

Last year, the Auditor General took the federal government to task for a critical shortage of 8,500 homes on reserves, despite the fact that it has spent \$3.8 billion over the last decade in this area. The Auditor General also reported that 44 per cent of the 89,000 homes on Canada's reserves are in need of repair.

The Assembly of First Nations has called on the federal government to change fundamentally how native housing is handled. Phil Fontaine, the head of the AFN, has said that there should be "a national housing authority responsible for setting standards and establishing codes and regional components." The Assembly of First Nations has also said that reserve residents should be able to own their own homes. They want not just a transfer of funds but their own native-run housing authority. It is clear that the federal government has poorly managed native housing and that this program is in desperate need of reform. The many Aboriginal families who live every day in those shameful conditions must have been sorely disappointed that the Throne Speech did not address how their surroundings, their standard of living, should be improved.

The government has promised to expand the Urban Aboriginal Strategy with willing provinces and municipalities. About half of Canada's Aboriginals live in the urban centres today, and time and time again, they are forgotten. The last budget promised \$17 million over two years for pilot projects, to address the poverty of Aboriginals living in urban centres. That amount was clearly insufficient and reflected the government's outdated view of how and where Aboriginal people live in this country. The level of financial support for this initiative from this government remains to be seen.

The government has also promised to put an end to the jurisdictional wrangling that leaves urban Aboriginals without access to services but did not give any indication how this would occur.

Honourable senators, Canada's big cities are now home to as many Aboriginal people as those that live on all the reserves across the country. A large proportion of these people have never lived on reserve. Short-term funding will not answer the needs of urban Aboriginals. The new Urban Aboriginal Strategy needs to be combined with stable, long-term financial support in order to truly change the status quo in this instance.

• (1510)

Another often-overlooked group receiving mention in the Throne Speech was the Metis, my people. The *Powley* decision of last year has finally made it impossible for the government to ignore Metis rights. However, the pledge that the government will work with other levels of government and the Metis leadership to include the Metis in its policies was also very vague.

The Minister of Finance has responsibility for the Metis people, and he has said that this one-line mention in the Throne Speech may signal upcoming financial support from the federal government. We will have to wait for the budget to see if that is really the case.

The Throne Speech promised to commit resources to ensure safe drinking water in First Nation communities. Most of the 1,300 water- and sewage-treatment plants on native reserves in Canada are defective. While some defects are minor, others pose serious health risks. Former Indian Affairs and Northern Development Minister Robert Nault had acknowledged that the federal government faced "serious liabilities" and that the department has never effectively funded training for water-plant operators on reserves. The possible consequences of inaction in this matter are well known to all Canadians, especially after the tragedy at Walkerton, Ontario. It has been estimated that a substantial funding commitment of about \$800 million will have to be made in order to fulfil this promise. Again, we will have to wait for the budget to see the level of commitment on behalf of the government to truly fix this problem.

Honourable senators, I seriously doubt there is another group of people in this country who have been more maligned and who have been the recipient of more broken promises than our First Nations people. This government sounds very much like the old

one, but it has made its own set of promises to our Aboriginal peoples. It is my hope that this new government intends to follow through in good faith on its promises and not let the First Nations down again.

Honourable senators, my work on the Aboriginal Peoples Committee and my travels across this country, including the major cities in Western Canada — I was born in Manitoba but now live in British Columbia — inform me that the plight of our First Nations is one that we cannot ignore. We stand up and help Third World countries but our own people are living in Third World standards. Why? Why are promises made but not followed through? This is not partisan. This has been going on for the last hundred years.

[Translation]

Hon. Marie-P. Poulin: Honourable senators, the Throne Speech contained an inspiring message for all Canadians. It established "an ambitious agenda for an ambitious country".

This message was similar to the celebrated remark by Wilfrid Laurier to the effect that the 20th century belonged to Canada. In her speech, Her Excellency the Governor General spoke of the government's determination to build an even stronger Canada, both domestically and internationally.

The Throne Speech identified the social, economic, educational, entrepreneurial and political goals that must be achieved for our country to fulfill its destiny. As Her Excellency stated, "Achievements of worth and permanence take time".

Honourable senators, goals have been set to advance our country, be it to improve our health care system, care for our children; help the handicapped overcome the obstacles they face, or adopt a new approach to support our Aboriginal peoples.

As far as progress is concerned, this speech presented a new deal for the municipalities to help them solve their specific problems, while establishing more solid working relations with the provinces and territories. It promised prudent administration of public funds, transparency and accountability.

The speech promised enhanced support for our military personnel, for research and development, for lifelong learning, the environment, sustainable development, and national security. It provides us with a plan for a distinctive role on the international scene.

Honourable senators, regardless of how we define ourselves, regardless of our aspirations and accomplishments, what we are is still, to a large extent, what others think of us. Yes, very often perceptions define reality. The power of modern instant communications demands that we exercise a greater influence on the international scene, if we are to achieve the objectives identified in the Speech from the Throne.

In order to exercise that influence on the world stage, we need to respond to the challenges and opportunities open to us in other countries, and to get more Canadians involved in meeting those challenges. It is my belief, in fact, that we need to share our values. Often the best ways to make them known, to gain them respect and to strengthen them, is to expend a concerted effort and expand that effort in order to show others who we are through our accomplishments, our successes and our desire to live in a world at peace.

The internationalisation of our relationships takes a variety of forms: our peacekeeping efforts internationally, our diplomacy, student exchanges, business travel, parliamentary affiliations, exports, foreign investment, tourism, I could go on and on. We must not miss any opportunity to promote our country's interests.

Last Monday, I was interested to see that the Speech from the Throne recognized the vitality and quality of our cultural life and the key role it will play in our international relations, helping establish our reputation abroad, reflecting who we are and what our values are.

I would like to take a moment to repeat what Her Excellency had to say about this:

Canada's artists and cultural enterprises are among our best ambassadors, as well as being an increasingly dynamic element of the knowledge economy. Their work holds a mirror on our society and builds a legacy for future generations.

For the experts on culture and communications in this house — I see a few of them here today — for the champions of Canadian content, it is comforting to see that the government is going to modernize policies in this area and strengthen our federal cultural institutions. One of the ways this will be achieved is through the new technologies of the digital age, technologies that should allow us to showcase our regional diversity and cultural mosaic more often.

Honourable senators, I had the honour of chairing a committee that conducted two studies — one in 1997 and the other in 1999 — and the reports tabled made note of the inevitable relationship between communications technologies and arts and culture.

The reports clearly showed the impact technology is having on culture, not only on the design and production of a product, but also on its dissemination. Technology knows no bounds and Canada is one of the most technologically advanced countries in the world. We should take advantage of this situation to increase the production of our Canadian products and their promotion in other countries.

[English]

Honourable senators, when we talk about arts and culture today, the definition is not limited to what we see in a gallery or a museum or even a Shakespearian or Molière play. In fact, Statistics Canada identifies 43 distinct professions under the

term "culture workers." Broadly defined, Canadian culture is wide-ranging and it includes music, dance, painting, writing, sports, architecture, movies, radio and television broadcasting, our landscape, even our cold and long winters. These are the things that define who we are and what we stand for.

• (1520)

Now, our government is laying out a multi-pronged approach to enhance the presence of Canadians on the world stage, thereby increasing Canada's visibility and, therefore, its influence.

First, as I mentioned, technology and telecommunications have opened a new vista for the production, promotion and dissemination of arts, culture and entertainment. Our writers, musicians, actors, cinematographers and producers rank very high in their own fields everywhere, but without high-speed distribution, we would lag behind, unknown to the world.

In literature, we are no slouches. In the pantheon of authors, the likes of Margaret Atwood, Carol Shields, Marie Laberge and Marie-Claire Blais shine brightly. In the music world, Shania Twain and Céline Dion have soared to the pinnacle of international stardom.

The list of Canadian professional talent is prodigious. The budding talent in our youth from coast to coast to coast merits our investment for development.

It is the intertwined links of the Internet with other media that will make Canadian names recognizable everywhere and will ensure the necessary development of the next generation of Canadian stars.

Second, culture is woven into our social fabric, as our social fabric is often an integral part of the cultural product. Honourable senators, let me give you one example. The Inukshuk, a tool for directions in the North, has become a piece of art, a sculpture. This social fabric is multi-layered with many dimensions, from its native peoples to the immigrants from France, England and other European countries whose courage, hard work and sacrifices opened up our land. Increasingly, Canada is home to newcomers from different parts of the globe, such as China, India, the Middle East and Africa. In their own way, each contributes to the evolving story of Canada — and it is an ever-evolving story that needs telling and retelling, telling to each other and telling to the world again and again.

Third, culture is an economic engine as well as a pillar of international relations. By revealing ourselves and our values to the world through our artists, our art, our literature and our movies, we are opening doors for our entrepreneurs, our business people and our exports.

The United States is by far our most important trading partner. We know how well our artists are doing there. Have you seen the attendance numbers for Cirque du Soleil in Las Vegas? Opportunities exist everywhere. I believe our cultural ambassadors can play a major role in multiplying those opportunities and those markets.

Yes, the Speech from the Throne emphasized the role of exporting and investing, of building closer economic ties with other parts of the world. Significantly, more attention will be focused on newly emerging economic powerhouses, such as China, India and Brazil.

In a speech almost a year ago, Canada's ambassador to China, Joseph Caron, put into perspective the growing importance of culture as an exportable commodity. He said:

Canadian artists and performers are increasingly present in China, in response to changes in China's cultural policies and its market. Those willing to pursue engagement with the Chinese cultural scene will not only benefit from new encounters with Chinese arts and audiences, they will also find themselves recognized in an environment that is taking on major importance in Asia and globally.

Our talent is legendary. They allow other sectors to piggyback onto the inroads they make internationally. In point of fact, Canada is more dependent on international markets than any other developed country.

Honourable senators, we create top quality Canadian content, but not enough of it. We possess the wherewithal to promote it, but we do not invest as much as we should in its international marketing. What we have heard in the Speech from the Throne is a commitment to Canadian productions and to the cultural export industry. We all know that culture requires no less assistance from federal departments and agencies in accessing foreign markets than do other aspects of the economy. We have a competitive edge, but we must not let it lag.

Honourable senators, in closing, I should like to note that in his response to the Throne Speech, the Prime Minister referred to a Canada overflowing with artistic creativity. His words were not idle rhetoric. They were a statement of fact that speaks to the abundance of talent that exists in our art and literature, in our movies, in our music, in our theatres and in our television. Our cultural products, be they from sports to entertainment, to architecture and landscape, are often the first impressions that others see of us. They are the gateway to our international presence, particularly in emerging countries.

The creators of cultural content are, indeed, our ambassadors. It is they who can pave the path to peace and freedom, human rights and the rule of law, diversity, respect and democracy, values, as the Prime Minister said, that form the foundation of Canada's experience and our success. They are, in truth, potentially, our most valuable export.

Honourable senators, thank you for your attention and for your support of our artists and cultural providers.

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, in a few months our country as we know it today will celebrate 137 years of existence. I was listening to Senator Poulin's list and in many ways it makes us proud of our accomplishments.

[Senator Poulin]

The Speech from the Throne on Monday left me with this question: are we heading for a new era of real cooperation between the federal government and our provincial and territorial partners?

Let us not lose sight of the fact that 137 years ago a group of British colonials decided to work together toward their shared dream. And it worked. Why? Because many people said to those who wanted the new state — the new country — to be a unitary state, that this was not the right road to take and that taking into consideration the rights — of Quebeckers in particular — that the British Crown granted us after the Conquest, a unitary government would be unacceptable for us; we were prepared to join a federation and these were our conditions.

The people of Quebec were not the only ones; representatives of the Atlantic provinces, realizing that the demographic weight of Ontario would overwhelm all others in a unitary government, also supported Quebec.

• (1530)

Today, nearly 137 years later, are we entering a new era of cooperation between the federal and provincial governments?

In the Throne Speech that began the fourth government of the Chrétien era — we may as well call it what it is — the Governor General of Canada told us of the new Prime Minister's intention to improve relations with the provinces.

And in this document, which was clearly written with an election in mind, we are astonished to read, and I quote:

Democratic renewal means opening the doors in Ottawa to the voices of our provinces and territories — all our regions — and adopting new ways of working together on behalf of Canadians.

And it goes on to say:

Jurisdiction must be respected. But Canadians do not go about their daily lives worried about which jurisdiction does this or that. They expect, rightly, that their governments will cooperate in common purpose for the common good — each working from its strength.

Some believe that this is a new era of cooperation between the federal government and the provinces. I will admit that I do not agree. I would describe these eloquent words as so much wishful thinking.

The Conservative Party of Canada long ago adopted the principle proposed by the Governor General. In 1867, the Conservative Party of Canada fostered an idea and set aside its partisan qualms in order to join a coalition that led to the creation of our nation.

From 1984 to 1993, Prime Minister Mulroney set aside many aspirations typical of a Prime Minister leading a strong central government in order to improve relations between the federal government and its provincial partners. And he paid the price. In 1997, The Progressive Conservative Party of Canada had, in its platform, the Council of the Federation, which all the provinces in Canada joined a few months ago.

My party has demonstrated — and history supports this — that we have, throughout our history, attempted to protect the spirit of the agreement concluded by the Fathers of Confederation.

The current Prime Minister of Canada, when he was Minister of Finance, did not respect the fundamental principles underpinning the Canadian Pact, including cooperation among the partners, respect for the partners, the equality of the partners and respect for regional diversity, particularly Quebec's.

Honourable senators, we must not forget the unilateral cuts to the provincial transfer payments in critical sectors such as health and postsecondary education, in order to reduce the federal deficit.

We must not forget the noticeable encroachment on areas of provincial jurisdiction such as health, social policy — particularly with regard to parental leave — and postsecondary education — for example, the millennium scholarships.

We must not forget the refusal to acknowledge the fiscal imbalance with the provinces or the significant delays in negotiations to modernize the equalization funding formula.

Finally, we must not forget the strong possibility that the Attorney General of Canada will appeal the recent decision by the Court of Appeal of Quebec regarding parental leave.

Thanks to Jean Chrétien and Paul Martin, federal-provincial relations are currently in a sorry state. Does our country deserve to enter into a new era of cooperation? The answer is definitely yes. Are we in fact entering into such an era? I have my doubts.

Friction with the provinces — not just Quebec, but all the provinces — dominated relations between the federal and provincial governments in the 1990s, if we consider the cavalier way the Liberal government approached relations with its provincial partners. Did it treat them like partners? No.

This government's arrogance, as it pits the provinces against one another in its quest for power, is disturbing.

After 10 years of the Liberal regime, can we honestly blame the provincial premiers for always being suspicious of Ottawa, which relies heavily on its spending power to impose its views?

It is as though the survival of the Canadian federal system is dependent on a public relations campaign to make the federal government increasingly visible, especially in Quebec.

Honourable senators, I refuse to be a part of this approach, which goes against the principles on which the Canadian pact was — and continues to be — based.

Canadians deserve a federal government that will fulfil and, above all, respect the needs of the various regions of the country, while strengthening national unity.

Yet, a careful reading of the Speech from the Throne confirms the old Quebec saying — and we heard this from Senator Lynch-Staunton yesterday — that the more things change, the more they stay the same.

Indeed, the speech talks about plans to invest in new grant programs for university students, funding for municipalities, new childcare spaces.

Honourable senators, the objectives are commendable. No one is against offering more assistance to university students, increasing funding for municipalities, or providing more childcare spaces.

Honourable senators, as you know, these responsibilities come under provincial jurisdiction. With respect to the municipalities, the Speech from the Throne says, and I quote:

...the Government of Canada is committed to a new deal for Canada's municipalities.

That is what the text says: "committed to a new deal for Canada's municipalities." This is the most specific part of the speech, and unfortunately a good illustration of misuse of the power of the purse.

In the text, there are 12 references to the provinces — I could not resist doing the math, please excuse me — while there are 20 mentions of municipalities, communities or cities, which all refer to the same reality!

• (1540)

On two occasions, the speech refers to the need for reliable, predictable and long-term funding for municipalities. The figure advanced is \$7 billion over 10 years. Yet where health is concerned, the intent of the government has always been to refuse to implement such principles.

Finally the Speech makes a statement that is both nebulous and ominous for the provinces. It says:

The new deal means that city hall has a real seat at the table of national change.

Yes, the municipalities are facing major challenges (infrastructure, crime, public health, drugs — I have some knowledge of this — social housing and so on) in ensuring our well-being and that of our children.

Are the provinces the only ones to blame for the state some of their budgets are in at the present time? The reduction in transfer payments to the provinces orchestrated by the new Prime Minister of Canada back when he was finance minister has resulted in the provinces, themselves struggling with deficits, transferring a series of new responsibilities to the municipalities, without any additional allocation of funds or any degree of political independence. In that context, these decisions had disastrous effects on a number of major Canadian cities.

The question is, does this lend legitimacy to the right of the federal government to make use of its spending power to assist the municipalities directly?

I would remind you of the philosophy I described a few minutes ago. Is the survival of the central federal power ensured by a visibility program? I do not agree with this. That said, we now know, thanks to the Throne Speech, that Ottawa does have money to spend in areas of provincial jurisdiction. In Quebec in particular. Is this the best way of respecting Quebecers' distinct character? That is my question for you.

A famous Canadian citizen wrote:

If a government has such a superabundance of revenue that it undertakes to provide part of the common wealth which does not fall under its jurisdiction — that government is conspicuously guilty of going against the principle of proportional taxation.

Who is this illustrious Canadian? When did he write that? That sentence was written in 1957 by Pierre Elliott Trudeau.

Having said that, we still do not know how Mr. Martin's government will improve its relations with the provinces, particularly as regards funding in the health sector. Where are the decisions that affect the lives of Canadians made? Where is that table to which the Prime Minister is inviting municipalities? The Speech from the Throne makes no mention of the Council of the Federation, to which all the provincial premiers have invited their federal counterpart.

The Hon. the Speaker: Honourable Senator Nolin, your time is up.

Senator Nolin: I am asking you to bear with me while I finish my speech.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Senator Nolin: Thank you, honourable senators. There is no mention of this new council. This is a pragmatic and realistic solution to strengthen Canada's economic and social union. It is an ideal forum to solve issues in the areas of health, post-secondary education, fiscal imbalance, funding for municipalities and interprovincial trade.

[Senator Nolin]

Assuming that all partners are acting in good faith, this council can — I hope — ensure the respect of our regional diversity, of Quebec's distinctiveness, while strengthening national unity and cooperation. This council is a wonderful tool that allows us to go back to the principles that our founding fathers had in mind 137 years ago, and to uphold these principles.

Honourable senators, this side of the chamber and, I am sure, both sides in fact want to respect that spirit. We must not only believe in federalism, we must also — and I know you will agree with me — put it into practice.

We must all reject a centralist, domineering federalism. We must reject this federalism that, unfortunately, has not been conducive to partnership or respectful of provincial partners for the past 10 years.

I will conclude by reading a passage from a speech delivered in 1864 by Georges-Etienne Cartier a few months before the Quebec Conference during which the Fathers of Confederation agreed on the existence of our chamber and on the sharing of responsibilities. This is what he said:

There is no alternative to a federal system. Some have claimed it would be impossible to make Confederation work because of the differences in race and religion. Those who share this opinion are wrong. The opposite is true. It is precisely because of these differences in race and local interests that the federal system must be established and that it will work well.

[English]

Hon. Percy Downe: Honourable senators, I am pleased today to respond to the Speech from the Throne. I find it particularly gratifying that the Throne Speech had the freedom to focus so clearly on Canada's social needs and aspirations. I credit that freedom to the difficult work that was done to eliminate the federal government's dependence on deficit financing. Clearly, we have come a long way in a short time.

Less than 10 years ago, our economy was in decline, our deficit and debt were rising, national unity was being threatened and our confidence was wavering. Today, because of our collective efforts, Canadians look with pride on our country's success. Deficits have been replaced with social and economic investments, tax cuts and debt repayment.

In freeing ourselves from the constraints of the bottom line, even as our national economy prospered and thrived, and in freeing ourselves from the constant pressure of overspending, I believe that Canada has entered a new phase.

Over the past number of years, a remarkable social transformation has begun to take place in Canada. The freedom to embark on this social evolution is due in large part to the fiscal discipline upon which we have come to depend. That is why I agree with the statement in the Speech from the Throne that reads as follows:

Canadians have already taken up that challenge. They have embraced change with a new confidence. Canadians know who they are and what they want. They want a government that helps shape that course, that leads the way — and that also engages them in building the future.

We want governments to reflect our values in the actions they take. This includes living within our means; investing as we can afford; and looking to the future.

Canadians want their government to do more than just settle for the status quo. They want a government that can lead change, develop a national consensus on common goals and have the wisdom to help all of us achieve them.

• (1550)

Major commitments have been made to the health care system, and it now appears that billions more will be invested shortly. Programs like the National Child Benefit have assisted thousands of Canadian families and children by helping to provide them with access to services and, in many cases, additional dollars to avoid the worst pitfalls of poverty.

With all that being said, honourable senators, we must guarantee that the benefits of this new prosperity touch every region, every province, community and citizen. This is why I agree with the following statement in the Speech from the Throne:

We want a Canada with strong social foundations, where people are treated with dignity, where they are given a hand when needed, where no one is left behind. Where Canadians — families and communities — have the tools to find local solutions for local problems.

I believe we must pursue our social and economic success together, as it is an essential part of the fabric of Canadian society. While there is much to applaud in the speech, I have some concerns as well, particularly, as they evolve around the large municipalities and the regions. There is no doubt that Canada is urbanizing at a rapid rate. This trend has been obvious for many years, and there are strong arguments for the federal government to invest in municipalities.

However, honourable senators, I would like to raise a cautionary flag. I am concerned that the municipal agenda may be too closely focused on the half dozen or so major centres. It is important to recognize the trend towards urbanization, but if tremendous resources are invested at the expense of our smaller communities, then we may dim the aspirations of smaller cities and reduce the attraction of the less prosperous provinces. Therefore, a municipal agenda must be inclusive; it must help our urban areas — large and small.

Clearly, honourable senators, part of our obligation is to protect the needs of minority interests. In this particular case, I believe we need to be vigilant that the large does not overwhelm

the small and that the small continues to enjoy the protection of the great. Therefore, I applaud the government's commitment to working with Canada's municipalities, but as someone from a small but thriving urban community, Charlottetown, I trust this commitment will be inclusive of the many diverse urban interests in our country.

Additionally, as a senator from the Maritimes, I would also caution that an agenda that seeks to focus on the needs of the regions and the legitimate concerns of the West does not drown out the equally legitimate concerns in the East.

Honourable senators, I also wish to speak in support of the reintroduction of Bill C-34, to amend the Parliament of Canada Act. I believe the package that was introduced, debated and passed in the House of Commons was an excellent and overdue step towards improved institutional accountability and transparency to Canadians.

Some Hon. Senators: Hear, hear!

Senator Downe: In many ways, honourable senators, the onus on us is much greater because, of course, we are appointed and we hold no particular obligation to specific constituencies. In my opinion, that freedom promotes the role of the Senate by allowing its members greater latitude in the study of public policy and debate over that policy. However, as all senators know, there are sharp edges to that freedom.

First, the Canadian public is often unaware of the work we do in the Senate, and, as a result, the public often does not understand our role. The valuable work of the Senate is lost amid public misunderstanding and media criticism. These are realities, and, unfortunately, these specific realities in turn can damage the public's perspective on the full scope of the work of the Senate. In my experience, all parliamentarians, whether they work within the federal or provincial systems, must be extremely cautious when they are engaged in debate over internal affairs. The ethics package is designed to enhance public confidence in our parliamentary affairs, but the nature of our system demands that we take the first step, and, at that point, the public may view our debate as one of self-interest. This is difficult territory, and, in the context of public misunderstanding over the Senate's role, the potential to encourage the old criticism and misunderstandings is once again provoked.

Last fall, I heard a number of honourable senators speak against some of the elements included in the package. There were concerns raised about independence, about the fundamental nature of the Senate's relationship to the other place, about the important and significant role of the Senate in relation to the formation of public policy. However, I do think that our responsibility to this institution demands that we do everything reasonable to enhance public confidence in our work.

Honourable senators, I believe that, when it returns to us, we must pass the ethics package that was agreed to in the House of Commons and help to ensure that Canadians have full confidence in our ability to regulate our affairs in a way that is fully open, accountable and transparent.

In conclusion, honourable senators, I want to briefly recognize the important contribution made by Veterans Affairs Canada. In my home province of Prince Edward Island, the role of Veterans Affairs socially and economically has proved to be of fundamental and lasting importance. The presence of the national headquarters in Charlottetown is now often taken for granted. However, I believe the decision to relocate Veterans Affairs to Prince Edward Island back in the 1970s clearly demonstrated the far-reaching and positive impacts the federal government can have on all the regions of our country. That decision led to a great many positive developments in Prince Edward Island in virtually every sector of our society.

Socially, the presence of Veterans Affairs has broadened Prince Edward Island society to include a vast array of highly trained professional public servants who contribute their every working day to public affairs and every single day to Prince Edward Island society. Perhaps the clearest indication of that contribution has been the remarkable growth in the use of the French language. Prince Edward Island has always had a thriving Acadian community, but the addition of Veterans Affairs deepened the role of the French language within our island community to the point now that Prince Edward Island is third, according to Statistics Canada, after Quebec and New Brunswick, among the provinces in terms of knowledge of both languages. There is no doubt that the strength of the Acadian community assisted in that regard. There is no question that the Island tradition of looking outward to its neighbours in Quebec and New Brunswick also contributed to this evolution, but, to my mind, the greatest single contribution to the growing ability of Islanders in both languages is due to the presence of Veterans Affairs and the wisdom of federal policies that encourage Canadians to become fluent in both languages.

Similarly, Veterans Affairs has grown remarkably in terms of its economic clout in Prince Edward Island.

Honourable senators, there are currently upwards of 1200 full-time public servants who work at the department's national headquarters in Charlottetown. Allow me to put that in context. The December labour force in Prince Edward Island was about 78,000 people. One in 65 working Prince Edward Islanders were employed at Veterans Affairs. The salary budget for those 1200 employees will grow beyond \$68 million this fiscal year.

Additionally, many students obtain much-needed summer jobs at Veterans Affairs, and the global budget for the department spent throughout Canada in the current fiscal year is in the area of \$2.5 billion. To put some of these figures in further context, especially the total budget of the department, the entire provincial government of Prince Edward Island will spend in the area of \$1 billion this year.

Honourable senators can see that, economically, the role of Veterans Affairs is enormous in my home province, and when the social and economic factors are blended, Veterans Affairs also represents a thriving community. In tandem with its size and contribution to Canada, the jobs at Veterans Affairs in Prince Edward Island are among the best in the province. The department's senior managers are in Prince Edward Island. These positions carry a high degree of responsibility and are paid accordingly. These good and secure positions contribute a great deal to our economy, but, just as importantly, Veterans Affairs offers a potential career path for future generations of Islanders who want to stay in Prince Edward Island and excel in the federal public service.

All that being said, it is also important to point out that the decision reached in the 1970s to relocate the Veterans Affairs Department to Prince Edward Island was not without controversy.

• (1600)

Honourable senators, allow me to offer some background. In 1976, the government announced that it would be moving the department to Charlottetown. At the time, the former mayor of Ottawa went so far as to call the relocation a "mindless action." Even on Prince Edward Island, many questions and criticisms were raised. Why this department? What was the department's future after the passing of our nation's veterans?

The president of the P.E.I. Real Estate Association at the time summed up the popular opinion. In a newspaper interview Mr. Keys said he was "cautiously optimistic, but certainly if it does come to pass, it is going to be a good thing for the entire province." Then Mr. Keys went on to question the future of Veterans Affairs. He said:

I just wonder what the size of the complement of the Department of Veterans Affairs will actually be in five years time. Will it in fact be a separate department in government?"

Of course, 27 years later, we know the answer, and on Prince Edward Island we know the wisdom of decisions taken many years ago to decentralize the role of the federal government in a way that benefits many Canadians. Not only is Veterans Affairs a separate department, it is thriving and evolving to meet the changing needs of the Canadian population.

The main purpose of the department is to contribute to the financial, physical and social well-being of veterans and their dependents. Additionally, the department is charged with much of the responsibility to ensure that the memory of veterans and their sacrifices on behalf of Canadians are kept alive. However, the department is also addressing those long-ago concerns about its future by expanding its client base. The department has evolved over the years to include pensions, disability issues, home care and members of the Canadian Forces and the Royal Canadian Mounted Police. Canadians making a contribution to world peace in the midst of overseas conflict will become future clients of Veterans Affairs.

As the department changes to reflect the evolution of our society, its employees are responding with determined professionalism. In my experience, the employees serving at Veterans Affairs are among the most dedicated in the entire public service.

This year, Veterans Affairs has a major task before it. As all honourable senators know, this year will mark the sixtieth anniversary of the D-Day invasion. This is an important historical milestone, and the portion of the Veterans Affairs' mandate that requires it to provide leadership in remembrance planning will once again be called to the test.

I believe that Canadians are increasingly interested in their history and they are very concerned that our rich contribution to the conflicts of decades past be recognized and celebrated in a dignified fashion. As time passes and the shadow of those great conflicts in Europe and Asia begin to dim, Veterans Affairs will be increasingly called upon to shed light on the sacrifices of the past and to recognize the remarkable contributions of the present in places like Afghanistan and the Middle East.

On motion of Senator Stratton, debate adjourned.

[Translation]

OFFICIAL LANGUAGES ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Jean-Robert Gauthier moved the second reading of Bill S-4 to amend the Official Languages Act (promotion of English and French.—(*Honourable Senator Gauthier*).

He said: Bill S-4 amends the Official Languages Act to clarify the scope of section 41 of part VII of that act in order to make it enforceable.

This is the third bill I have presented to the Senate on this topic during the past three parliamentary sessions. The first bill, Bill S-32, died on the *Order Paper* when Parliament was prorogued on September 16, 2002.

That prorogation gave me an opportunity to consult and reflect, and to draft a second bill, S-11. I took my inspiration from the many comments and proposals made as we considered Bill S-32. Bill S-11 had the same goal as Bill S-32, that is, to clarify the scope of section 41 of part VII of the Official Languages Act in order to make it enforceable.

You will remember that Bill S-32 was considered by the Senate Committee on Legal and Constitutional Affairs, and during our examination we held 8 meetings and heard 32 witnesses. The bill died on the *Order Paper* when Parliament was prorogued.

Bill S-11 was placed on the *Order Paper*. It went through first and second readings and was referred to committee. It was adopted in committee and reported to the House, but once again — I am not lucky — it died on the *Order Paper* when Parliament was prorogued yet again.

And so I am returning to the charge for the third time with another bill. I shall explain. First, Bill S-4 makes clear the binding nature of the commitment set out in part VII of the act. It imposes a duty on the federal institutions to implement this commitment. It also provides for access to legal remedies, thus enabling the courts to monitor governments' implementation of the Act.

Bill S-4 takes into account most of the recommendations made by the Commissioner of Official Languages and by a number of the witnesses. The Commissioner had recommended that part VII of the Official Languages Act be clarified, and that the binding nature of the commitment be made clear by imposing an obligation on the federal institutions. She maintained that the bill ought to provide for the adoption of regulations in order to ensure the implementation of an appropriate system. It ought also to include a right of recourse before the courts under part X of the Official Languages Act. I have incorporated all these recommendations into Bill S-4.

The federal machinery, as you are aware, can sometimes be slow, because it does not know what Canadians expect of it. The desire to act promptly has a tendency to slow down when legislation is ambiguous, vague and without legal significance. This is the reason why the official language communities have long been calling for government action, for it to make a strong commitment to foster their development.

I remember the committee debate in 1988, when the minister responsible for the act told me that section 41 created obligations for the government. I believed him, but that was not to be the case. Afterward, we were told it was not executory, but declaratory. Policy, not a legal commitment. This law imposes an obligation.

You may tell me that the government acted positively by coming up with its action plan almost one year ago, on March 12, 2003, when Minister Dion tabled an action plan on official languages. This plan, which we strongly supported, was the outcome of a long reflection by a number of federal ministers. The leadership of Prime Minister Jean Chrétien is well recognized and the exceptional contribution made by Minister Stéphane Dion was critical to the success of this plan.

• (1610)

I recognize that the action plan focuses on specific federal institutions, but there are a number of federal institutions in other critical areas that need clear and specific guidelines regarding their obligations.

This is why I believe that part VII of the Official Languages Act should be clarified. Nowadays, we cannot accept agencies claiming to be above the law.

The government now has a credible and very satisfactory plan. We must implement this plan to eliminate any ambiguity that could dampen the enthusiasm of some. Official language communities need to feel that the governments and the courts are behind them. All these hard-won battles in the area of official languages have been confirmed by the courts, whether it is in education, health or social services.

In the education sector we had the Maher case, while in the health sector it was the Montfort Hospital case. Sure, we have made progress, but it is the courts that have clarified these rights. It is thanks to the courts and the determination of official language communities that the necessary changes have been made.

Recently, the Trial Division of the Federal Court handed down a ruling in *Forum des maires de la péninsule acadienne v. Canada Food Inspection Agency*. This was an appeal concerning employees of the agency who worked as inspectors in plants and whose jobs were eliminated. This had an economic impact on the community because the agency had not consulted the communities, as set out in the legislation. Jobs, which used to be based in the north, were relocated to the south. This had an economic impact, an impact on the right to work in the language of choice and an impact on the service provided to the public in French or English. The Federal Court judge, Trial Division, found that the Forum had a good case and ruled in its favour. I have just learned that the government is going to appeal this decision to the Federal Court of Appeal. We will see what happens.

With regard to the issue of educational rights, God knows we have worked hard. Under section 23, we have the right to educate our children in our own language and even to administer our own schools. In Ontario, it took 17 years before the province granted the right to school administration. We won these rights in the courts, through the work and determination of the communities. In terms of health care, there is no need to detail what happened with Montfort, you all know. If you are interested, a very interesting book entitled *Montfort* has just been published. All have confirmed the constitutional right of minority communities to an education in their own language and to obtain health care in their own language too.

Yet, the provincial governments long hesitated with regard to these rights. In a decision handed down on November 6 in the *Doucet-Boudreau* case, the Supreme Court recognized the importance of actively promoting the development of official language communities and ensuring that governments take the necessary means to do so.

If official languages communities had not had recourse to the courts, they would not, today, have their own schools or the responsibility of administering them.

I will close on a positive note. I am confident that the Senate will respect its constitutional mandate to protect, defend and promote, in a timely fashion, the rights of all minorities and to represent the regions.

I ask for your patience and that you grant second reading so that we may continue to third reading, then vote on the bill and send it to the House of Commons.

On motion of Senator Stratton, debate adjourned.

[Senator Gauthier]

[English]

HERITAGE LIGHTHOUSE PROTECTION BILL

SECOND READING

Hon. J. Michael Forrestall moved the second reading of Bill S-5, to protect heritage lighthouses.

He said: Honourable senators, I would also ask that this matter be now proceeded with at third reading.

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, we on this side would be perfectly agreeable. This matter has had adequate debate, thanks to the intervention of Senator Forrestall. We would be happy to expedite this today.

The Hon. the Speaker: I will put the question at second reading first.

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

THIRD READING

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. J. Michael Forrestall: With leave, now.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to and bill read third time and passed.

[Translation]

USER FEES BILL

SECOND READING—DEBATE ADJOURNED

Hon. Pierrette Ringuette moved the second reading of Bill C-212, respecting user fees.

She said: Honourable senators, in October and November, we discussed this bill, which is in the annals of the Canadian Parliament, since it was unanimously adopted by the House of Commons before being referred to us. This bill essentially seeks to meet the requirement for a transparent, accountable and comparable process that establishes performance standards and also an impartial complaints resolution mechanism to hear users who must pay fees for certain services.

• (1620)

In November, the members of the Committee on National Finance undertook the review of this bill. We have already heard from some stakeholders and others will also propose changes and make comments on this legislation.

Therefore, for reasons of efficiency, I am now moving that the bill be read a second time, so that it can be referred to the Committee on National Finance at the earliest opportunity, to allow that committee to carry on its more in-depth review.

On motion of Senator Kinsella, debate adjourned.

[English]

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Serge Joyal moved the second reading of Bill C-250, to amend the Criminal Code (hate propaganda).—(*Honourable Senator Rompkey, P.C.*).

He said: Honourable senators, if my colleagues will allow me two minutes, I shall give a brief resume of where we were with Bill C-250 when Parliament was prorogued in November.

I should like to remind honourable senators that we had a lengthy debate on this bill at second reading. More than 15 honourable senators intervened on the bill. I reviewed the allocation of interest. There were seven senators on the opposition side who took a stand and raised issues with the bill and important questions. There were nine on the government side. We had come, in my opinion, to a point where we would be ready to continue our study at the committee stage by hearing witnesses — experts and professors, researchers, chiefs of police associations and so forth.

Since the bill is in the exact condition it was when we had that debate last fall, honourable senators, I am of the opinion that, at this stage, we would be ready to proceed to the Standing Senate Committee on Legal and Constitutional Affairs to continue our study of the points that were raised by our colleagues during that period of time. That is why, honourable senators, I move that the bill be sent to committee for further study.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I was pleased to second the motion that this bill be read a second time, and did so because we had a fulsome debate on the principle of the bill prior to prorogation. Therefore, I believe it is not necessary to repeat that debate but, rather, that we should refer the bill to committee for appropriate study.

As I am on my feet, I will point out that, hate crime, whether physical or propaganda-based, has no place in Canadian society and that Bill C-250 amends subsection 318(4) of the Criminal Code, which deals with the proscription of hate propaganda against identifiable groups in Canada. The objective is to add sexual orientation to the explicit grounds that currently include colour, race, religion and ethnic origin.

I believe it is clear to all Canadians that by adding sexual orientation we are making it explicit that propaganda for hate purposes against identifiable groups of Canadians because of their race, because of their skin colour, or because of their sexual orientation, has no place in our society.

As a reminder to honourable senators, it is an offence under the Criminal Code to advocate or promote genocide based on these prohibited grounds; it is an offence to incite hatred against a group based on these identifiers; and it is an offence to wilfully promote hatred against a group identified by race or colour. Bill C-250 adds "sexual orientation," which is not only perfectly reasonable but socially appropriate for all who believe in the principles of social justice in our country. Prejudice against Canadians because of their race or sexual orientation has no place in our society. This amendment to the Criminal Code is long overdue, and we should move the bill to committee, where any doubts, honourable senators, if there are any doubts, concerning the provisions of the proposed bill can receive an in-depth and an informed examination.

On motion of Senator Rompkey, debate adjourned.

REASONS FOR SITTING AS PROGRESSIVE CONSERVATIVE

INQUIRY—DEBATE ADJOURNED

Hon. Norman K. Atkins rose pursuant to notice of February 3, 2004:

That he will call the attention of the Senate to the reasons for his decision to sit as a Progressive Conservative Senator.

He said: Honourable senators, I shall try to be brief. I do not put down this inquiry on the Order Paper lightly. I wanted an opportunity to speak about my decision to continue to sit as a Progressive Conservative senator, to speak about how my views evolved and the people who most influenced them, and then to put on the record in this place the thinking that led me to my decision, while most of my Senate colleagues declared themselves to represent the Conservative Party of Canada.

I want to set out my thoughts on how I feel about the party — the Progressive Conservative Party — and the decision that it be dissolved. I have been a Progressive Conservative from the time I was 18 years old, beginning as a gopher in 1952 during the provincial election in New Brunswick. In the last 52 years, I have been involved in 38 election campaigns in one way or another. Some of them have been leadership campaigns, some provincial and others federal. All have been under the banner of the Progressive Conservative Party.

The party has changed its name a number of times since 1850. However, for me, the name "Progressive Conservative" came to mean much more than the title of a political party. For me, it came to mean what the party stood for. The name signified the joining together of not two parties but two sets of values, the values represented by those who espoused fiscal economic responsibility — living within one's income, a balanced budget, little or no debt, and government intervention in the economy only when truly necessary. These are the "Conservative" values.

Combined with that, the "Progressive" name for me means social policy directed at the less fortunate in our society — which means accessible, adequate health care paid by the government, an education system where all who are academically qualified can access post-secondary training and education, policies that recognize that both people and even provinces are not created equal and that we must from time to time recognize a need for a hand up, be it through social welfare or equalization payments.

• (1630)

This is what I have fought for since my first campaign in the 1952 New Brunswick election, an election which saw Hugh John Flemming's party take 36 of 52 seats after being in the wilderness for 17 years, an election that impressed upon me, a young student, the importance of leadership, policy and democracy at work.

Through campaigns for the Right Honourable Robert Stanfield, both federal and provincial in Nova Scotia, Duff Roblin in Manitoba, Walter Shaw in Prince Edward Island, Bill Davis in Ontario, Richard Hatfield in New Brunswick, the Right Honourable Joe Clark and the Right Honourable Brian Mulroney, I have always believed in the cause, and was fighting for the cause, of the Progressive Conservative Party and its leadership, a party which believed in self-reliance but also in wealth distribution.

I am a moderate Tory, in the same way my friend Dalton Camp saw himself as a moderate Tory. As he said in an interview with Pamela Wallin in 1995:

I am in favour of people, and I am in favour of trying to alleviate the problems people have, and I think that is one of the functions of government, and I just don't want to see us abandon that role.

I do not want to see that happen either. I would rather carry on the fight for what I believe in than to join with others who may not share that philosophy. To me, Robert Stanfield set the bar very high, and it is that standard that I wish to uphold.

The people I have known in politics, the people I admire, never compromised. They never gave up the fight for the country and its people. To mention a few, Peter Lougheed fought back against enormous odds to form a government and introduce a bill of rights as his first piece of legislation. Richard Hatfield stood for equal opportunity. Duff Roblin had the courage and showed the leadership to build the floodway against great opposition, as did Bill Davis when he stopped the extension of the Spadina Expressway. Robert Stanfield, whose life we celebrated most recently, did not compromise his principles in the 1974 "wage and price controls" general election. Brian Mulroney and Joe Clark, following in the footsteps of John Diefenbaker, stood against the governments of Britain and the United States in taking an anti-apartheid stance on behalf of Canada in support of Nelson Mandela. At home, the federal Progressive Conservative Party has been a champion of national unity and, in particular, of Quebec's place in Canada. It was under the prime ministership of Joe Clark in 1979 that Canada reached out its hand to take the Vietnamese boat people fleeing oppression to safety in Canada.

All this has been done by those who believe that the party name, Progressive Conservative, actually had evolved into a common set of values or a common centre, if you will, not just the joining together of political party labels.

The leaders I have known, the leaders I have been close to, did not give up when faced with great challenges or odds that seemed impossible to overcome. They stayed to fight for what they believed in.

It is my firm belief that this is what we who called ourselves Progressive Conservatives should have done. Yes, there may be a possibility of electoral success, but at what costs? What is the cost to Canadians if a group of political leaders abandon the core beliefs of the party they represent to achieve electoral gain? Are we right in sacrificing the cause of the less fortunate on the altar of political expediency? This is my concern.

We have inherited a legacy from the past leaders of the Progressive Conservative Party. This is a legacy to be cherished, a legacy of never giving up, of succeeding against all odds. Stanfield, Lougheed, Hatfield, Clark and Mulroney did that. Theirs was a legacy of common fiscal thinking combined with social compassion. It is a legacy I cannot shrug off, a legacy I will not abandon.

The Progressive Conservative Party had a history and a tradition that I believed would last forever, whatever the circumstances. If there is to be some form of cooperation between parties, it must be based on principle, not expediency.

Therefore, I will continue to support and advocate my beliefs as a Progressive Conservative senator in Question Period, in debate and in committee. I will continue to speak out to defend the values I believe are emblematic of a Progressive Conservative. I will be watching with interest both the leadership and the policies of the new party to see whether they address my concerns. It is my hope that they will reflect the values and beliefs Progressive Conservatives hold so strongly.

I thank honourable senators for giving me the opportunity to put my thoughts and reasoning for continuing as a Progressive Conservative senator on the public record.

Some Hon. Senators: Hear, hear!

On motion of Senator Murray, debate adjourned.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, February 10, 2004, at 2 p.m.

The Hon. the Speaker pro tempore: Is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, February 10, 2004, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
 (3rd Session, 37th Parliament)
 Thursday, February 5, 2004

GOVERNMENT BILLS
(SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-212	An Act respecting user fees	04/02/03							
C-249	An Act to amend the Competition Act	04/02/03							
C-250	An Act to amend the Criminal Code (hate propaganda)	04/02/03							
C-260	An Act to amend the Hazardous Products Act (fire-safe cigarettes)	04/02/03							
C-300	An Act to change the names of certain electoral districts	04/02/03							

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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S-3	An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver)	04/02/03							
S-4	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	04/02/03							
S-5	An Act to protect heritage lighthouses (Sen. Forrester)	04/02/03	04/02/05	—	—	—	04/02/05		
S-6	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	04/02/04							
S-7	An Act respecting the effective date of the representation order of 2003 (Sen. Kinsella)	04/02/04							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-8	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	04/02/05							
S-9	An Act to honour Louis Riel and the Metis People (Sen. Chalfoux)	04/02/05							

PRIVATE BILLS

[illegible]

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(HANSARD)

Tuesday, February 10, 2004

—◆—

THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Tuesday, February 10, 2004

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

The Hon. the Speaker: Honourable senators, before calling for Senators' Statements, I wish to give notice that I will reserve the final three minutes for Senator Prud'homme. It is a rather rare occasion today in that most of the allotted time for Senators' Statements will be taken up with tributes to the honourable senator.

SENATORS' STATEMENTS

THE HONOURABLE MARCEL PRUD'HOMME

CONGRATULATIONS ON FORTIETH ANNIVERSARY AS PARLIAMENTARIAN

Hon. Jack Austin (Leader of the Government): Honourable senators, I am happy to rise today to recognize our colleague, the Honourable Marcel Prud'homme, on the occasion of the fortieth anniversary of his election to Parliament. Senator Prud'homme is the longest serving parliamentarian still on Parliament Hill.

Over the course of his involvement with the Canadian political process, Senator Prud'homme has served as President of the Young Liberals, as chair of the national caucus and of the Quebec caucus, and as parliamentary secretary in several portfolios; and he served under nine prime ministers.

Senator Prud'homme was first elected in a by-election on February 10, 1964, by 3,000 votes. In subsequent elections, his margins grew and twice he received 25,000 votes more than his nearest opponent. Senator Prud'homme won again by a large margin in 1984, when many Liberal members of Parliament lost their seats.

Translation]

In reference to politics, he said that if you put your heart and soul into it, it always pays off. This energy and this trust in the public have been Senator Prud'homme's greatest strengths.

English]

Some of you may not know that Senator Prud'homme comes from a large family and is the youngest of 12 children. Perhaps because of this background, he learned how to speak out and be noticed. When he entered politics as a young student, I knew him as a fiery speaker who had a memorable impact on his audience. At the time, I am told, his father cautioned him against the dangers of pursuing politics for a living, advising him to not let his career path dramatically alter his perspective. As honourable senators know, Senator Prud'homme has lost none of his passion or speaking and he is not easily diverted during his regular appearances on radio and television — an observation that will come as no surprise to honourable senators.

During his 40 years as a politician, there has scarcely been an issue before Parliament that has escaped Senator Prud'homme's scrutiny. His political record is noteworthy, all the more remarkable when you consider that he is not one to follow any group — be it caucus, political party or guardians of conventional wisdom. However, if you were to ask him, he would say that he is guided by others: the people of the riding he represented for almost three decades and Canadians who have come to him for assistance. Many of these Canadians have been new immigrants for whom Senator Prud'homme has played a special role in providing assistance as they adjust to their new lives in Canada.

His interest in immigrants began in his student days when he organized a party in 1957 to welcome Hungarian refugees. Since then, he has worked for the acceptance of many groups to Canada, including American soldiers who deserted the military during the Vietnam War.

He has said that there are thousands of causes to espouse and that the role of parliamentarians is to work on a cause worthy of their efforts. Senator Prud'homme's causes — and I have not always agreed with them — have been issues in the international arena such as demilitarization, peace in the Middle East and parliamentary diplomacy. Senator Prud'homme deserves recognition for the important role he has played in promoting these objectives and, in particular, for the Prud'homme-Strahl report of 1999, which recommended ways to make Parliamentary associations more productive and meaningful.

Throughout his career, Senator Prud'homme has envisioned —

The Hon. the Speaker: Honourable senator, I regret the interruption but a number of senators wish to speak and so I will observe the time allotted.

[Translation]

Hon. Gérald-A. Beaudoin: Honourable senators, Senator Prud'homme is a born parliamentarian. We could say that he is the doyen of Parliament. As a member of Parliament and a senator, he of course has left his mark in the legislative chambers of the state and he continues to do so. He has even threatened to run for office in the other place when his term in the Senate expires, six years from now.

There are very few people who have been parliamentarians for 40 years or more. Senator Prud'homme may some day equal Sir Wilfrid Laurier's record for his time spent in Parliament.

Senator Prud'homme was first elected to the House of Commons on February 10, 1964, and he was appointed to the Senate by Prime Minister Brian Mulroney, in May 1993, as an independent Liberal.

In the February 9 edition of the daily *La Presse*, journalist Gilles Toupin paid a well-deserved tribute to our colleague.

• (1410)

I certainly agree with him. Senator Prud'homme, who is a good speaker and an astute tactician, is very at ease in his house, his house being Parliament.

He ruffles feathers, and that is true. But we all admit that, at times, we must ruffle feathers. He has deep convictions. When it comes to the Constitution, he points out that he is a French Canadian and that is true. This is a debate in Quebec and in the rest of Canada.

He is a parliamentarian who has a keen interest in international politics and its endless battles, including the one in the Middle East. He is a straight shooter.

He is entitled to his opinions. He is true to his father, who used to tell him: "We must believe in the universality of the protection of human rights or else hold our peace."

[English]

Senator Prud'homme is, no doubt, a very good parliamentarian. He is faithful to his principles — a French Canadian in the real sense of those two words. Good luck, senator. Thank you for what you are doing every day for your country.

Hon. Joyce Fairbairn: Honourable senators, it gives me great pleasure today to salute the longevity and the achievements of an old colleague and friend, Senator Marcel Prud'homme. He is, indeed, the granddaddy of Parliament Hill in terms of tenure in Parliament itself. However, I do have to remind him that I am two years ahead of him in terms of tenure on this Hill, so he still has to show a bit of respect.

Senator Prud'homme came to this Hill as a young man, back in the 1960s. He was as filled with passion and conviction then as he is today. He was, as has been said, highly involved with the Young Liberals of Canada. From those days till now, Senator Prud'homme has been a warrior and a cheerleader for a united Canada, in every part of this country — and this at a time when, on this Hill, people did not move around the country as much as they do now.

A young Marcel Prud'homme, who did not speak much English, made a point of travelling to Western Canada because he did not know much about that part of the country. He wanted to gain some understanding of the West. It was during that time that he turned up in my area of Western Canada. Knowing I was not able to get out there too often because of responsibilities here, he decided, out of kindness, to go visit my mother. He arrived, unannounced, at 630 15th Street, South, in Lethbridge, Alberta, and knocked on the door. My mother was a timid and a tiny woman. When she arrived at the door, a lanky francophone, bending low over her hand and kissing it, greeted her. It took my

mother a long time to recover from that visit; she asked me for a long time when she could expect another such visit from Senator Prud'homme.

Today, I simply wish to extend a heartfelt thank you to Marcel. He has never let the institution of Parliament Hill down in the years that he has served in both chambers.

He and I also served together — he as chair, me as vice-chair — on the National Liberal Caucus, at a difficult time in the mid-1980s. We became good friends again in that capacity.

Never short of words, never short of criticism when, in his view, it was needed, he was also a good — I would not say supporter, but friend, when I was Leader of the Government in the Senate, in the days when we had a very small minority in this place. He taught me that courtesy and information was absolutely critical to maintaining good relations in this place, regardless of where one sat. Congratulations, senator, for a very vigorous life.

The Hon. the Speaker: I regret to inform the honourable senator that her three minutes have expired.

Hon. Gerry St. Germain: Honourable senators, I also wish to pay tribute to Senator Prud'homme. While sitting beside him for the last two and a half or three years, I received an education. He can inspire and put a thought process in motion, like no other man I have ever met. He is partisan, but yet he is not partisan.

[Translation]

When he speaks French, he does so like a Quebecer and he has always defended the rights of ordinary people.

[English]

As I came to learn, in working with him over the years, Senator Prud'homme never forgot how he came to the Senate, but he never really became as partisan as the other side likes to think. He thought openly on most issues. A tribute to his longevity in Parliament is that, in spite of the fact he was associated with the Liberal Party for so many years — and, in the province from which he came, I think that this is a natural home for him politically — he never lost sight of the fact that we, as westerners, inasmuch as we are different in a lot of ways, are the same in most ways, as Canadians, because we all work for the interests of one Canada.

During the debates on Quebec and the many sensitive questions over the years, he never lost sight of the fact that Canada is a great country because of all of its parts, not because of some of its parts. Congratulations and good luck!

The Hon. the Speaker: We have one minute before going to Senator Prud'homme.

Hon. Lise Bacon: Honourable senators, I need more than one minute for Senator Prud'homme.

[Translation]

Honourable Senators, I have known Senator Prud'homme since the time we were active Young Liberals together, some years ago.

Our honourable colleague fully deserves the tribute we are paying him today for his remarkably long, not to say legendary, career in politics, for his exceptional tenacity, and for the conviction with which he defends the values he cherishes, all with an energy that has not diminished with the years. You will agree with me that after 40 years, Marcel Prud'homme has lost none of his fighting spirit, the flame that has burned within him since the beginning.

It would have been hard for Senator Prud'homme to avoid a life of politics. His father, a respected physician, was also a very active Liberal and passionate about politics. He transmitted that passion to his son. It was inevitable; Marcel was so passionate about politics and his interest in it so intense that he became active in both student associations and the Young Liberals, where his oratorical skills were quickly discovered and appreciated.

At the age of 26, he decided to stand for the Liberal nomination in Montreal-Laurier in a provincial election. But he had to withdraw in favour of a rising star named René Lévesque. As a team player, he accepted the decision of the leader, Jean Lesage, and withdrew, but the truce was short-lived, because his passion for politics is intense. In 1964 he was elected as the member of Parliament for the federal riding of Saint-Denis in Montreal. He was barely 30 years old and perhaps did not realize that a splendid career lay just over the horizon.

From his earliest days in politics, Marcel Prud'homme's direct and intense style left no one indifferent, and sometimes it ruffled people's feathers. While remaining true to himself and his deepest values, Senator Prud'homme played a significant role in parliamentary committees, particularly as chair of the Standing Committee on Foreign Affairs and National Defence, as a parliamentary secretary, as an opposition critic, and in the interparliamentary associations.

Today, after 40 years of a very active political life, he is still keenly interested in many projects and ready to fight other battles, and continue to defend his favourite causes. Indefatigable and untiring, our colleague looks straight ahead, eager to be able to continue making his contribution to the public forum.

Congratulations and all our wishes for good fortune in the future.

• (1420)

Hon. Marcel Prud'homme: Honourable senators, I will not abuse your kindness and I will try to keep to the time allotted to tell you how grateful I am and how happy you have made me today.

Usually these tributes are reserved for senators who are leaving public life or who have passed away. I do not know which of these

fates awaits me first. However, I would like to thank you for the kindness you have shown me.

[English]

This morning I received a call from my godfather in the Senate, Senator Riel, who once served as Speaker in this chamber. During that conversation, he asked me to remind honourable senators that he is still alive and still enjoying life. Anyone who wants to know how to reach him should get in touch with me.

Senator Fairbairn, yes, I remember very well having met your mother in the 1960s, without forewarning you. I am willing myself not to be too emotional — as some of you know, these are difficult times in our family. I am happy to share my “famous” day with my sister, Rita Prud'homme, who is in the gallery. I also want to acknowledge Anita Richard, a lady who knows all my secrets, because she writes shorthand. As honourable senators can imagine, she needs to write quickly, to catch everything I want to say. Anita has been with me for many years, and hopefully for many years to come. I also wish to acknowledge Mohamad Barakat, who is an intern in my office. I probably drive him absolutely crazy. He is one of hundreds of interns who have assisted me over the years — and, by the way, some of them have enjoyed much success in their careers. As a matter of fact, one of them — who years ago as an intern here was in charge of the parliamentary association — occupies the highest post in China today.

Honourable senators, I remember visiting every province. I spoke at Senator Carstairs' school in Alberta, and not in Manitoba, and remember being told the sensitive subjects to stay away from. Of course, these were the first subjects I addressed, much to the chagrin of Liberals. However, honourable senators, at the end of the day, all of them were ready to stand with me in the parade on very sensitive issues.

If one is truly honest, as my father taught me to be, one need not be afraid. I believe in forgiveness. The Indian leaders who taught me taught that forgiveness leads to peace, harmony and reconciliation. Some people believe in “getting even”. I do not believe in it because I believe in the power of conviction and in being patient.

In 1964 — during a Liberal minority government — I remember being the only Liberal welcome in Saskatchewan, having known Ross Thatcher as a student. Mr. Pearson said to me, “I do not know how you can manage that, but go.” It was during that time that I met a fabulous lady — Senator Merchant's mother-in-law and I campaigned for her. I was pleased to recommend her for the high honour of the Queen's Golden Jubilee Medal.

Honourable senators, I wish to thank Senators Beaudoin and St. Germain.

[Translation]

Honourable senators, thank you for your kind words.

[English]

I know that Senator Austin had a lot more to say. My advice to him is to keep his notes, because I may very well be here to celebrate my forty-fifth anniversary, since I will not be obliged to retire before then. I also wish to salute the dean of this place, Senator Sparrow, to whom I have always bowed with all due respect. I want to thank him for his friendship over the years as I also wish to thank all honourable senators for having been patient with me. I promise to change, since I am getting mellow.

I want to salute those who spoke today on my behalf, and I look forward to campaigning again with Senator Bacon for the good cause in Quebec.

[Translation]

The Honourable Senator Bacon and I have known one another for more than 40 years and we have fought all the major battles in Canada. We have never wavered. However, people do not always entirely understand what it means to be a French-Canadian nationalist from Quebec, like me. But that is what is so wonderful about Canada!

[English]

I also wish to thank His Honour for his graciousness today in accepting the debate. I want to thank Senator Lynch-Staunton, the Leader of the Opposition, and Senator Austin, the Leader of the Government, both of whom, I am sure, gave their consent to mark this special day in my life. I thank you very warmly again and again.

[Translation]

ROUTINE PROCEEDINGS

AUDITOR GENERAL

REPORT TABLED

Hon. Bill Rompkey: Honourable senators, I have the honour to table, in both official languages, the report of the Auditor General of Canada dated November 2003.

[English]

NATIONAL FINANCE

REPORT PURSUANT TO RULE 104 TABLED

Hon. Lowell Murray: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on National Finance. This report outlines the expenses incurred by the committee during the Second Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 55.)

[Senator Prud'homme]

ABORIGINAL PEOPLES

REPORT PURSUANT TO RULE 104 TABLED

Hon. Nick G. Sibbeston: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Aboriginal Peoples. This report outlines the expenses incurred by the committee during the Second Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 56.)

NATIONAL SECURITY AND DEFENCE

REPORT PURSUANT TO RULE 104 TABLED

Hon. Jane Cordy: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Committee on National Security and Defence. This report outlines the expenses incurred by the committee during the Second Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 57.)

MARRIAGE BILL

FIRST READING

Hon. Anne C. Cools presented Bill S-10, to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Cools, bill placed on the Orders of the Day for second reading two days hence.

NATIONAL SECURITY AND DEFENCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Jane Cordy: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on National Security and Defence be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

• (1430)

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. Jane Cordy: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on National Security and Defence have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

ABORIGINAL PEOPLES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Nick G. Sibbeston: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Aboriginal Peoples be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. Nick G. Sibbeston: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Senate Committee on Aboriginal Peoples have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

[Translation]

THE ESTIMATES, 2003-04

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO CONTINUE STUDY ON MAIN ESTIMATES

Hon. Lowell Murray: Honourable senators, I give notice that tomorrow I shall move:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Estimates for the fiscal year ending March 31, 2004, with the exception of Parliamentary 10 and Privy Council Vote 25, and

That the papers and evidence received and taken on the subject and the work accomplished by the Senate Standing Committee on National Finance during the Second Session of the Thirty-Seventh Parliament be referred to the Committee.

[English]

NATIONAL FINANCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. Lowell Murray: Honourable senators, I give notice that tomorrow, I shall move:

That the Standing Senate Committee on National Finance have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matter of bills and estimates as are referred to it.

[Translation]

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Lowell Murray: Honourable senators, I give notice that tomorrow, I shall move:

That the Standing Senate Committee on National Finance be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

[English]

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY A CODE OF CONDUCT FOR SENATORS

Hon. Lorna Milne: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the Standing Committee on Rules, Procedures and the Rights of Parliament be authorized to consider a code of conduct for Senators and that all related evidence and papers taken on this issue by the Committee in the 2nd Session of the 37th Parliament be referred to the Committee; and that the Committee be authorized to take into context the 51st Report of the House of Commons Standing Committee on Procedure and House Affairs from the 2nd Session of the 37th Parliament; and that the Committee report no later than April 1, 2004.

[Translation]

OFFICIAL LANGUAGES

BILINGUAL STATUS OF CITY OF OTTAWA— PRESENTATION OF PETITION

Hon. Jean-Robert Gauthier: Honourable senators, I am pleased to table a petition bearing 1,000 signatures, bringing the total to 22,834 calling for Ottawa, the capital of Canada, to be a bilingual city reflecting the linguistic duality of the country.

It is high time that the Senate adopted some rules and follow-up procedures to ensure that these petitions receive the serious attention they deserve. A petition is an official request addressed to the Canadian Parliament and must therefore be taken seriously. It is also an instrument that has influence on the policies and laws of this country.

[English]

QUESTION PERIOD

TRANSPORT

AIR TRANSPORTATION AND NAVIGATION DIVESTITURE INITIATIVES

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate and deals with one of the many things expressly excluded from the Speech from the Throne. At this time, I will deal with the Chrétien-Martin government's approach to air transportation policy.

Mr. Doug Young, a former transport minister in the Chrétien-Martin government, recently stated that handing control for airports to local authorities was "a mistake" and he regrets handing federal air navigation services to NAV CANADA.

As the author of this government's air transportation and air navigation divestiture initiatives, Mr. Young's statements are a scathing and highly credible indictment of what has been a major policy initiative of the Martin-Chrétien government. Is cabinet considering a review of these divestiture initiatives which, according to their ministerial author, have been such a massive blunder?

Hon. Jack Austin (Leader of the Government): Honourable senators, I, too, saw the press reports attributed to former Minister Young and found them of high interest in terms of the community that is affected by the current policies.

I will not be able to advise Honourable Senator Oliver at the moment as to the state of cabinet consideration, except to say that former Minister Young's statements have been noted.

Senator Oliver: Honourable senators, Mr. Young also said that the airport authorities and NAV CANADA have "gotten out of line because there isn't sufficient accountability to make sure that business decisions are being made on a viable basis."

If Mr. Young's statement does have some currency with the government, what specific steps will this government take to address the matters that Mr. Young raised?

Senator Austin: Honourable senators, I am not in a position to answer the question specifically at this time.

VETERANS AFFAIRS

VETERANS INDEPENDENCE PROGRAM— ENTITLEMENT TO WIDOWS

Hon. Michael A. Meighen: Honourable senators, my question is also directed to the Leader of the Government in the Senate, but he will be relieved to know that it is a much easier question than one he failed to answer from Senator Oliver. As I provided the question prior to today's session, I am sure he will have no trouble with the answer.

As the honourable leader knows, my question deals with an issue that I believe he agrees with and cares deeply about, as do other members of this chamber.

On November 6 of last year, the then Minister of Veterans Affairs announced changes to the Veterans Independence Program as it relates to surviving spouses. Members of the other place were told by Minister Pagtakhan:

Today, I am pleased to announce, thanks to the Prime Minister and the Minister of Finance, and the government as a whole —

He seems to have forgotten the Senate Subcommittee on Veterans Affairs, but that is another matter.

— that we will be able to reinstate VIP maintenance and ground services for qualified surviving spouses.

I believed, as did most who heard him at the time, I think, that he meant just what he said: reinstatement for all surviving spouses with no arbitrary cut-off date. It has now apparently come to light that an arbitrary cut-off date for eligibility was indeed established, September 1, 1990.

Would the Leader of the Government in the Senate confirm this astounding decision and use his influence to persuade the present Minister of Veterans Affairs, who as the former Minister of Defence knows this file quite well, to eliminate this arbitrary cut-off date so that all surviving spouses benefit, including the very few whose spouses died prior to September 1, 1990?

Hon. Jack Austin (Leader of the Government): I thank Honourable Senator Meighen for giving me notice of this question. I am obliged to report that, as he stated in his question, the cut-off date of 1990 remains in place. I have spoken to the Minister of Veterans Affairs and he has agreed to review the matter. I will continue to press him for an early decision.

Senator Meighen: Honourable senators, I have great faith in the leader's influence. Obviously, he has made progress, so we will wait for an early resolution.

DEFINITION OF PRISONERS OF WAR

Hon. Michael A. Meighen: Honourable senators, everyone in this chamber is aware that the recognition of prisoner of war status was well-established during World Wars I and II. However, the situation has changed dramatically since 1945 and particularly as a result of Canada's heavy involvement in what are often erroneously termed "peacekeeping operations."

In today's conflicts, for that is what they are, the enemy is ill-defined, to say the least. Situations arise, such as in Bosnia in 1993, where our soldiers were taken captive, beaten, tied up and denied the benefits of the rules of the Geneva Convention. Yet, upon their return home, their applications for recognition as prisoners of war were rejected since they did not fit the long-standing traditional definition as such.

• (1440)

Would the Leader of the Government in the Senate undertake to look into this question and urge the Minister of National Defence to propose an update of the definition of "prisoner of war" so as to reflect the changing situation in which our soldiers now find themselves as they defend Canada's interests around the world?

Hon. Jack Austin (Leader of the Government): Honourable senators, I commend Senator Meighen for raising this particular issue. I will add it to the agenda of my forthcoming discussion with the Minister of Veterans Affairs.

HEALTH

INOCULATION OF CHILDREN AGAINST COMMON DISEASES

Hon. Wilbert J. Keon: Honourable senators, my question is directed to the Leader of the Government in the Senate. An increasing number of parents around the world are not inoculating their children against common diseases such as measles, mumps and rubella. Health experts are concerned that there could be a related rise in these diseases. Parents fear the so-called MMR vaccine is linked to diseases such as autism, multiple sclerosis and bowel disorders, although several medical groups and a British report issued last month have all determined such fears are unfounded.

The World Health Organization has said that five European countries have experienced recent measles outbreaks with the most likely cause being the decline in childhood immunization.

Is Health Canada concerned about the trend in this country toward parents not having their children vaccinated? Are we tracking the occurrence of these diseases? If so, is there a greater number of cases than compared with recent years?

Hon. Jack Austin (Leader of the Government): Honourable senators, the question is important, and it asks for details that are not at hand. However, I will obtain the answers and perhaps provide them to Senator Keon by letter.

We have seen such concerns expressed, particularly by certain communities with religious convictions. I would very much appreciate engaging Senator Keon in a discussion as to how that can be addressed.

Senator Keon: Honourable senators, I thank the leader for that answer. I also look forward to receiving his written answer.

I am reasonably sure there is no monitoring system in place for this kind of information. Rather than a short-term survey, it would be worth suggesting that we put in place a monitoring system. Honourable senators, this is not a question but a suggestion.

Senator Austin: Honourable senators, I am delighted to accept the representations of Senator Keon. As I cannot ask him a question, I can only wonder aloud in my answer as to whether there are international monitoring efforts underway. I will pursue the inquiry to see if that is happening.

HUMAN RESOURCES DEVELOPMENT

QUEBEC COURT OF APPEAL RULING THAT FEDERAL PARENTAL AND MATERNITY LEAVE PROGRAMS ARE UNCONSTITUTIONAL

Hon. Gérald-A. Beaudoin: Honourable senators, my question is addressed to the Leader of the Government in the Senate. Parental leave is an important part of the division of powers in our federal system. A few days ago, the Quebec Court of Appeal ruled that the federal government's parental and maternity leave programs are unconstitutional. The government relies on the Employment Insurance Act. The Prime Minister has said that he is ready to negotiate with Quebec, which is quite understandable and I could not agree more with that sentiment.

In view of the importance of this domain in constitutional law, is the Prime Minister considering an appeal to the Supreme Court of Canada? I ask the question because the debate concerns not only family law or civil law — a point upon which we all agree — but it also includes the federal spending power.

Hon. Jack Austin (Leader of the Government): Honourable senators, I have no information to provide the Honourable Senator Beaudoin at the moment. I will speak to the Minister of Justice and advise the honourable senator as soon as possible.

[Translation]

TREASURY BOARD

CANADIAN BROADCASTING CORPORATION

DISPARAGING COMMENTS BY SPORTS
COMMENTATOR DON CHERRY

Hon. Jean-Robert Gauthier: Honourable senators, my question is for the Leader of the Government in the Senate.

Recently, I raised a question concerning a person by the name of Don Cherry, a commentator on CBC's *Hockey Night in Canada*, and some disparaging remarks that he has made with respect to francophones, the use of protective visors by hockey players and hockey players in Quebec.

In response to my question, the minister told me last week that the CBC is an independent Crown corporation and that it must fulfil its mandate. I understand all that.

Since then, the CBC has decided to put in place a kind of censorship. From now on, there will be a seven-second delay before the comments made by Mr. Cherry during hockey games are aired, to avoid any embarrassment. Mr. Cherry is getting paid good money for his role in this so-called debate on hockey games.

Since it is the CBC's mandate to reflect Canada, since Mr. Cherry's comments are not very appropriate and are even disgraceful, as I said, and since this issue must be settled, I wonder if the minister could tell us whether this censoring by the CBC will cost Canadians a rather significant amount of money to keep tabs on someone who, in my opinion, should have been fired?

It is unacceptable that one person would continue to set such an example for young Canadians in the field of sports. His remarks should be beyond any doubt or question, and he should not hold any biases against francophones.

Could the minister tell us how much Mr. Cherry, who makes these disgraceful remarks, costs Canadians? How much will it cost the CBC to put in place a censorship system to ensure that Mr. Cherry does not continue to express disgraceful views?

[English]

Hon. Jack Austin (Leader of the Government): Honourable senators, personally, I found Don Cherry's comments unacceptable. However, as I said in the chamber last week, the CBC is an independent and self-governing corporation. It has taken steps to caution Don Cherry.

I understand also that the Commissioner of Official Languages has undertaken an investigation and there may be additional complaints made to other appropriate bodies that would cause further investigatory procedures.

Frankly, if I may say, the CBC is one of those organizations in the public marketplace that will respond to its clientele — that is, the public of Canada. The more clearly the public of Canada makes its views known on this issue, I am sure the more concerned the CBC will be.

NEED FOR WHISTLE-BLOWING LEGISLATION

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators will recall the pioneering work of this chamber in the area of contemporary whistle-blowing legislation. I should like to ask the Leader of the Government in the Senate whether the government will build upon the work that has been done by the Senate in pioneering this needed area for legislation and introduce such legislation forthwith.

Hon. Jack Austin (Leader of the Government): Honourable senators, the answer is that the government intends to proceed with what is colloquially known as "whistle-blowing" legislation. Information on that subject should be available shortly.

• (1450)

Senator Kinsella: I have a supplementary question, honourable senators. The sponsorship fiasco ran for six years, from 1996 to 2002, yet no one knew what was going on — and many knew what was going on, but they were not willing to blow the whistle, even though "every rule in the book was broken," to use the phrase of the Auditor General.

The Auditor General has, of course, even today re-issued the call for Parliament to enact whistle-blowing legislation, as indeed did the president of the Treasury Board, Minister Alcock, when he was chair of the House of Commons' government operations and estimates committee, particularly at the time of the Privacy Commission fiasco last spring.

Would the minister in the Senate agree, given these two contemporary examples of the need for such legislation, that the government could help with some damage control by perhaps announcing today the introduction of that legislation?

Senator Austin: Honourable senators, without accepting some of the preceding portions of Senator Kinsella's statement, the government intends to introduce legislation by March 31, 2004. The representations made in the Senate by Senator Kinsella and in the report of other place have been taken into account. This is important legislation. It is complex legislation because it deals with the requirement of public administration to be transparent and to be of integrity, while at the same time it deals with the relationship between employees and government itself.

Those on the other side who may have been in the cabinet of Prime Minister Mulroney or have served on the political staff will understand that it is a delicate balance. However, we look forward to seeing that legislation. My belief is that it will require some careful study by interested publics, including the Public Service Commission and members of the political community. I should hope that we will be in a position to have legislation that is fair and balanced before the end of this year.

AUDITOR GENERAL

REPORT ON SPONSORSHIP PROGRAM

Hon. Terry Stratton: Honourable senators, my question is addressed to the Leader of the Government in the Senate. The government was given an advance copy of the Auditor General's report in October, a month before the original planned tabling date of November 25. This is standard practice as it allows the government an opportunity to respond to the Auditor General's recommendations. It is now the second week of February. The government has been sitting on this report for four months. Why did the government not recall Ambassador Gagliano immediately, rather than allow his continued presence in Denmark to be a source of embarrassment to Canada's foreign service?

Hon. Jack Austin (Leader of the Government): Honourable senators, I should first like to thank opposition senators for giving me a soft run-up to these more difficult questions today.

In response to Senator Stratton, I know he is very much aware of the fact that the original time for the tabling in Parliament of the Auditor General's report was November 25. The report would have been tabled at the time, but that Parliament was prorogued earlier in November. Consequently, under the standing orders of the other place and under the rules here, the report could only be tabled once Parliament had resumed in this session.

The rules applicable to the Auditor General require Parliament to be in session before an Auditor General's report can be tabled. The decision in respect of the date on which such a report is tabled is a decision of the speakers of the two chambers. They chose today to table that report. It would have been inappropriate, in my view, for any action to be taken under that report until it was available to the public and the public had an opportunity to understand the issues raised by the Auditor General.

The Auditor General has raised very serious and disturbing issues with respect to the sponsorship program, which was active in the Department of Public Works from roughly 1997 to 2002. The government is now in a position, as the report has been tabled, to take appropriate action to deal with the Auditor General's recommendations. I am sure you may have a question or two to follow.

Senator Stratton: Honourable senators, last week, the government made a public example of Norm Steinberg, the director general of audit and ethics at Public Works. The whole Public Works department received a memo telling that Mr. Steinberg faces an undisclosed but significant financial penalty for buying a \$19,000 plasma TV. Ironically, in a memo to his staff, Public Works Deputy Minister David Marshall wrote that, "Norman and his team were responsible for uncovering the sponsorship problem long before the Auditor General made it public."

If the sponsorship problem was uncovered "long before the Auditor General made it public," why was it only stopped when it became a source of political embarrassment?

Senator LeBreton: Why does the PM say he knows nothing about it?

Senator Austin: Honourable senators, the problems relating to the sponsorship program were originally discovered by an internal audit in the Department of Public Works. It was the government of the time that referred the matter to the Auditor General for further investigation. I understand Senator Stratton's impatience, however, when the integrity of individuals and the transparency of public administration are at stake, it is crucial that the government is extremely careful not to act on innuendo or rumour or bias or prejudice, but to act only on facts. The result has been a careful audit and investigation by the Auditor General, the results of which are now before the Senate.

Honourable senators will also be aware that a public servant was charged as a result of work done both by the internal control system in Public Works and by the Auditor General, and that an RCMP investigation was launched and continues to this day.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, why was the same type of thorough investigation not entertained prior to the Department of Justice writing to Swiss authorities that former Prime Minister Brian Mulroney had engaged in criminal activities?

Senator Austin: Honourable senators, I expect that the opposition leader and Senate colleagues opposite will have become very sensitive to accusations that are not necessarily based on fact but on supposition, and that they would be prepared to accord the same sensitivity with respect to anyone on the government side who, similarly, might be the subject of stories.

Senator Lynch-Staunton: Honourable senators, why was the same sensitivity not shown to the reputation of former Prime Minister Brian Mulroney, prior to the Department of Justice writing to Swiss authorities that he had, and I quote from the translation, "engaged in criminal activities"?

Senator Austin: Honourable senators, as a minister of this government, I cannot answer to whatever took place at that particular time.

• (1500)

I will say that no one that I know wanted former Prime Minister Mulroney involved in rumours, innuendos or stories that had no basis in fact, and I personally was pleased that the matter was resolved to his satisfaction.

REPORT ON SPONSORSHIP PROGRAM –
RECOVERY OF MISAPPROPRIATED FUNDS

Hon. David Tkachuk: Honourable senators, the Leader of the Government will get the same sensitivity from me as we have received from him.

The sponsorship program consumed \$250 million of taxpayers' money, of which \$100 million went to communications agencies as fees and commissions. The Auditor General tells us that there was little regard for value and that there were artificial invoices and contracts, or no contracts at all, which appear to have been designed to pay commissions to communications agencies while hiding the source of funding and the true substance of the transactions.

In a document called "Sponsorship Update," posted on the Public Works Web site and last updated September 3, Canadians are told that "recovery of funds has been initiated and holdbacks are in place." The government's response to the Auditor General's report also tells us that the government is trying to recover funds.

Could the Leader of the Government in the Senate advise us as to exactly how much money has been recovered to date, from whom it has been recovered and how much additional money the government realistically expects to recover?

Hon. Jack Austin (Leader of the Government): Honourable senators, the government wants to get to the bottom of the issues raised by the Auditor General. For that reason, the government has today announced a judicial inquiry to be headed by Mr. Justice John Gomery of the Quebec Superior Court.

I believe that many of the questions that the honourable senator has just asked will emerge during that inquiry, but I want to make it clear that those who misappropriated government funds will be held to account. Prime Minister Chrétien made it extremely clear in announcing the appointment of the Honourable Ralph Goodale as Minister of Public Works that he wanted Minister Goodale to get to the bottom of things and that if people have committed criminal acts, they will be prosecuted. The government today takes the same position.

REPORT ON SPONSORSHIP PROGRAM— INVOLVEMENT OF QUEBEC WING OF LIBERAL PARTY

Hon. David Tkachuk: I am sure that the minister will be able to bring to the Senate chamber answers to my question well before the judicial inquiry because there is no reason the inquiry should hold up that process.

Honourable senators, serious allegations have been made in recent days that there was a link between the Liberal Party operations and the abuses of the ad sponsorship program. If these allegations are found to be true, will measures to recover funds also be directed at the Liberal Party's Quebec wing, and will this judicial inquiry also investigate the Quebec wing of the Liberal Party?

Hon. Jack Austin (Leader of the Government): Honourable senators, I do not have the terms of reference of the judicial inquiry before me now. They will be developed with the judge who has agreed to act as inquiry commissioner. That is the normal practice. However, the intention of the government is to ensure that all aspects of this issue are subject to the commissioner's scope of responsibility.

[Senator Tkachuk]

I want to answer part of the honourable senator's penultimate question and tell him that the Government of Canada has appointed Quebec lawyer André Gauthier, a well-known civil litigator, to recover all funds that were inappropriately paid to whatever party.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT

AUDITOR GENERAL'S REPORT—TRACKING OF FUNDING FOR AGREEMENTS INVOLVING GWICH'IN AND PEOPLE OF NUNAVUT

Hon. Gerry St. Germain: Honourable senators, my question is to the Leader of the Government in the Senate. I sit here bewildered. The government wants to get to the bottom of this scandal. Coming into an election, we are going into a judicial inquiry — another one.

Here we have a leader, the Prime Minister, the former Minister of Finance, the former Vice-President of the Treasury Board and the minister in charge of Quebec, who is totally informed about cabinet proceedings. Is the Leader of the Government in the Senate telling us now that the public should trust this man? The man that has held those lofty positions, where information should have been readily accessible, signed the cheques, and now the Leader of the Government in the Senate is telling us that we will have an inquiry. They have been cheating and stealing and doing all these things, and now they are going to have an inquiry.

It is time that the Liberals faced Canadians squarely and dead on. This situation is terrible. This scandal is all about corruption, theft at its highest levels, and is unacceptable to Western Canadians. The honourable senator knows it is; I know it is. He knows that the Liberals have no representation in the West because activities like these have been allowed to continue. It is not Quebecers who are responsible; it is you fellows right here — all you ministers and the ministers that went before you.

My question relates to Aboriginals. There are two agreements involving the Gwich'in and the people of Nunavut. According to the Auditor General, no tracking of the funding has been done by the department. The department is not tracking costs at all.

Is the government prepared to look after these unfortunate ones? They are prepared to give big payoffs to Groupaction, all the boys in Quebec and lobbying firms here in Ottawa. Are they prepared to start looking at the needs of our Aboriginal peoples, who, the Auditor General said, are being shortchanged because of the lack of supervision by DIAND?

Hon. Jack Austin (Leader of the Government): Honourable senators, a good part of the preamble to the honourable senator's question is absolutely unacceptable. He cannot accuse people of theft or stealing, to use the words that he used, without making charges against individuals. I hope he will withdraw that part of his preamble.

Senator Rompkey: Withdraw!

Senator Austin: Otherwise, the honourable senator should name names. He should name names if he believes someone has stolen.

Senator St. Germain: Why will there be a judicial inquiry if no one has done anything wrong?

Senator Austin: Will the honourable senator name names or not? Has he the courage of his energy and his vigour at the moment, or will he sit there behind invective and innuendo?

Senator St. Germain: I will not sit here and back down to anyone. A judicial inquiry has been established. I will listen to its findings and then name names. They will name names.

The Hon. the Speaker: Honourable senators, the time for Question Period has expired.

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Honourable senators, before going to Orders of the Day, I would like to introduce some guests from the House of Commons. They are Brittany Piovesan from Embrun, Ontario. She is enrolled in the Faculty of Social Sciences at the University of Ottawa and is majoring in international development and globalization.

Also with us is Philippa Payne from London, Ontario. She is enrolled in the Faculty of Social Sciences at the University of Ottawa. She is majoring in political science.

Finally, Meghan Wilcox, from Kamloops, British Columbia, is enrolled in the University of Ottawa's Faculty of Arts. Meghan is majoring in communications. Welcome to all of them.

• (1510)

ORDERS OF THE DAY

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Trenholme Counsell, seconded by the Honourable Senator Massicotte, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the Third Session of the Thirty-seventh Parliament.—(3rd day of resuming debate)

Hon. Lorna Milne: Honourable senators, I am pleased to be able to take this opportunity to rise to comment on the Speech from the Throne from our new government. I was pleased to hear that the government has decided to set an activist agenda that builds on the social foundation that has been laid by Liberal governments in decades past. I strongly believe that now that our

years of mounting debt and deficits are behind us as a result of structural changes introduced by the Prime Minister when he was Minister of Finance, we can now resume the expansion of Canada's social infrastructure. The time has come for Canadians to reap some rewards from their years of fiscal sacrifice.

There are three areas in the Speech from the Throne that I want to concentrate on in the course of my speech this afternoon: health care, education and the environment. The federal government has announced major commitments in all three areas and for that I applaud them. In fact, it should not be any surprise to honourable senators that these issues are playing a central role in the plans of this government. Canadians have been telling us that these are the three issues that concern them the most and that require the greatest government attention.

Time and time again, Canadians have shown their willingness to invest in our health care system. Last week, the government announced it indeed would follow through on its intention to transfer an additional \$2 billion to the provinces for health care spending. It is a good start, but there is no doubt that much more needs to be done.

Both the Romanow and the Senate reports on health care reform clearly indicated that structural change in our health care system is necessary to ensure that it is sustainable for the future and that it will continue to live up to the standards that are set out in the Canada Health Act. To meet the challenges of an aging population, the government will have to work closely with the provincial governments to ensure that the health care system does not collapse as a result of ever-increasing pressures.

News reports over the past few days have shown that our new government's clearly expressed interest in addressing provincial concerns is starting to pay dividends. The premiers and the Prime Minister have agreed to meet regularly to tackle these challenges. However, I want to caution the Prime Minister about moving too quickly to meet the demands of provinces to allow increased flexibility into the health care system. Canadians have proudly paid taxes into our health care system because they know that it is an egalitarian system with very high national standards. It is the government's responsibility to protect those national standards when negotiating with the provinces. I urge Prime Minister Martin to keep in mind his duty to protect our national values when working with the provinces to reform medicare.

One area where Prime Minister Martin has shown particular attention is in the area of public health. By appointing the member for St. Paul's as Minister of State for Public Health, the Prime Minister has shown that public health will become a new priority for the federal government. After a year of SARS, mad cow disease and now concerns about avian flu, Canadians are very pleased with this latest development. However, there is one area of public health that has gone almost unnoticed in this chamber to which I should like to draw everyone's attention.

Southwestern and Eastern Ontario are in the midst of an epidemic of a deadly and debilitating disease — cancer. The real tragedy is that there is increasing evidence that this epidemic may have been caused by fallout from the atmospheric testing of nuclear weapons in the United States in the early 1950s.

A study was completed this last fall by the Honourable Ralph Ferguson, former Minister of Agriculture, on the incidence of cancer in Brooke, Alviston and Watford townships in southwestern Ontario. The conclusions of the study are quite startling. It shows clearly that cancer rates in families that arrived in the area before 1957 are extremely high, while cancer rates for families arriving after that date are average. Since this report was published on June 27 of last year, other areas with what appear to be higher than normal instances of cancer have come forward. One village in that area has 14 cases on a street with 28 homes. Another small village has 13 cases on a very short main street. One elementary school with 20 teachers has had 10 cases of cancer amongst these teachers over the last few years. I urge the new Minister of State for Public Health to look closely at Mr. Ferguson's report and to investigate the steps that can be taken to address the issues that are raised in this report.

The government's plan to renew its focus on education is another area in which I believe government's intervention is timely. The fact of the matter is that the costs of education are rising at a rate that is almost out of control. The vast majority of students from middle-class families do not qualify for aid under the Canada Student Loan Program, while the costs of tuition, fees, books, and room and board are rising at an astronomical rate.

Over the past few years, the government has made significant investments in education. While the current Prime Minister was the Minister of Finance, the government dramatically increased the expenses that can be written off by university students and their families, founded the Millennium Scholarship Program and introduced the Registered Education Savings Plans that includes a 20 per cent government top-up to all contributions. All three of these measures have been extremely successful, and hundreds of thousands of Canadian students have taken advantage of them.

However, these steps have not been enough to address the damage done by provincial decisions to deregulate tuition fees. In most provinces, the cost of tuition has nearly tripled since 1990. Financial constraints have become the biggest barrier to education — a bigger barrier than they have ever been in Canada's history. I am very proud that the government has announced that it intends to take new steps to address this issue.

In the Speech from the Throne, the government announced that changes will be made to both the Canada Student Loan Program and RESPs to increase their effectiveness. Before those details are announced, I should like to give the government a couple of pieces of advice.

First, the RESP program has been great for families with incomes that are high enough to have money left over at the end of the month to put into such a savings fund. However, those families are almost exclusively middle- and upper-class families, where the children would probably attend university anyway. Most Canadians live from paycheque to paycheque. They simply do not have the funds to take advantage of these programs. Students from lower-income families have always tended not to enrol in post-secondary education, and this has led to the creation of second, third and fourth generations of families that do not

send their children on for further education. Proposed changes to the RES program must give families with low incomes greatly enhanced benefits to encourage them to start putting aside even such small amounts as \$10 a month for the education of their children. The announcement that the government will make an initial seed contribution to an RESP started by low-income families is a good first step in this regard.

Second, the Canada Student Loan Program is long overdue for a major overhaul. The first additional dollars in this program should be spent on grants, not loans. The government must significantly raise the limits on what can be borrowed each year in order to reflect rising tuition and other costs. I believe that limits must also be placed on the maximum amount that students must be required to pay back. Terms of repayment must also be more flexible. Students should have the choice of whether to repay loans on an income-contingent or amortization basis. Rules should also be put into place that will automatically keep interest rates as low as possible. To do all of this will require a complete restructuring of the program. I urge Prime Minister Martin to take on this very important task.

Finally, honourable senators, I want to look at some of the environmental policy announcements that were made by the government. I strongly believe that the government is on the right track by affirming Canada's commitment to the Kyoto accord and by announcing new measures to ensure that we clean up our own backyard.

One thing I want to make absolutely clear this afternoon is that environmental protection does not end with the commitments made in the Kyoto accord. Canada's environmental policy must go far beyond Kyoto if we want to ensure that our country has clean air, clean water, and healthy food for everyone. The government's 10-year \$3.5 billion investment in cleaning up federal brownlands and the monies to clean up the Sydney tar ponds is indicative of our government's commitment to environmental protection that goes beyond Kyoto.

• (1520)

I believe that the government must push further on these issues. We must encourage and develop alternative fuel sources. I hope that Environment Canada and Natural Resources Canada will develop more programs such as the One-Tonne Challenge that will encourage Canadians to incorporate environmentally friendly behaviour into their day-to-day lives.

As you can see, honourable senators, the government has started to reinvest in our social foundations. I applaud these actions and I hope that the government will continue to bring new, progressive programs to the table. Canadians are proudest when we talk about our social programs and quality of life. I look forward over the coming weeks and months to legislation that will implement this new agenda for our new government.

[Translation]

Hon. Yves Morin: Honourable senators, I listened carefully to the speech delivered by Her Excellency, the Governor General of Canada. This remarkable speech lays out a broad program of

action for the government which corresponds to the values and aspirations of Canadians, and lays out a full legislative agenda that we, as parliamentarians, must achieve during the next few months. My attention was particularly caught by the topic of health.

Over the past few years, several polls have shown that health problems are the primary political concern of our fellow citizens.

[English]

The Speech from the Throne highlighted several major issues with regard to health policy. The first, health protection and promotion, is at the forefront of Canadians' minds. Recent events such as the SARS epidemic, mad cow disease, the Walkerton tragedy and the recent avian flu outbreak, together with more chronic threats such as childhood obesity, teenage drug abuse and teenage suicide in the Aboriginal population, are causing great concern among Canadians. They wonder if their government is doing enough to protect their health and that of their children.

This is why, honourable senators, your Standing Senate Committee on Social Affairs, Science and Technology decided in June 2003 to study the governance and infrastructure of health promotion and protection in Canada, as well as Canada's ability to respond to health emergencies. I was pleased to see the committee's recommendations included in the Speech from the Throne. The Throne Speech made a commitment to the establishment of a strong and responsive public health agency to ensure that Canada is linked both nationally and globally to a network for disease control and emergency response. This, of course, was the primary recommendation of the committee.

We came to this recommendation after much careful thought. We concluded that an agency would be able to operate with more autonomy than Health Canada's Population and Public Health Branch and that this would have several advantages. An autonomous agency would be able to concentrate and focus federal resources, respond to emergencies with greater timeliness and flexibility and enhance collaboration among various levels of government.

The committee was also impressed by the fact that the model of a separate agency devoted to health promotion and health protection is gaining currency internationally. In addition to the U.S. Centres for Disease Control in Atlanta, probably the most familiar, Britain created a health protection agency one year ago, while the European Centre of Disease Control has been established and will be located in Sweden.

In Canada, our committee echoed a widely held conviction. All the representatives of the health protection and promotion community that we heard from agreed on the ability of a federal arm's-length agency to anticipate and cope with health emergencies and to make a positive contribution to the health status of Canadians. Further to our report, and now that the Speech from the Throne has confirmed the establishment of a Canadian public health agency, I would venture to make four recommendations.

First, I would recommend that we move decisively and quickly to set up the agency. There is unanimous agreement for its creation among all stakeholders, including that of the provincial first ministers at their last meeting with the Prime Minister. The increase in international communications and the risks of terrorism mean that the number and seriousness of global health threats are rapidly expanding. At any time we could be faced with another serious emergency. We need to be prepared. This being said, I was pleased with the appointment by Prime Minister Martin of the Honourable Carolyn Bennett, an able and energetic physician, who has been long-interested in public health, as the minister responsible for the establishment of the new agency.

Second, I would recommend that we ensure that the agency has a strong scientific foundation and research capacity. The National Advisory Committee on SARS, set up one year ago and chaired by Dr. David Naylor from Toronto, identified serious deficiencies in data collection and management, a shortage of skilled scientists and the absence of a clear research agenda during the SARS outbreak. A strong scientific foundation will require the appointment of a chief public health officer to head the agency. This new position must be held by an outstanding scientist in his or her own right, one who will command respect from colleagues throughout the country and ensure collaboration among the various stakeholders in the field of disease prevention and control.

This brings me to the importance of scientific research within the operations of the new agency. Effective public health protection and promotion needs swift and targeted research as well as more basic biomedical studies. In-house research is certainly appropriate and should, in fact, be promoted, if only to attract the scientists who are needed for a first-class system.

Third, I would strongly recommend that such research be subject to the objective, rigorous peer review used by the Canadian Institutes of Health Research. CIHR has already made significant contributions to public health and protection by working with its partners in Canada's health research community and with the voluntary, private and public sectors. When much of Canada was transfixed with the SARS crisis last year, CIHR-funded researchers sequenced the SARS genome in just 11 weeks. Toward the end of 2003, Canadian researchers announced that they had developed not one but three potential SARS vaccines ready to test on animals.

Each of CIHR's 13 institutes is active in the field of health promotion and health protection and is expressing some of the most challenging and exciting problems we face. Canadians can only benefit from their work, but we need to continue to show our commitment by increasing the government's investment in CIHR.

This brings me to my final recommendation. The new Canada public health agency must be given sufficient resources to make a difference. This is not a time to shuffle desks and job titles and assume that we have done the job. Every witness who appeared before our committee attested to the sad state of funding of public health in Canada as compared to other countries.

The National Advisory Committee on SARS identified serious systemic deficiencies in response to SARS in Toronto, the major ones being the lack of surge capacity in the public health system and the inadequate capacity for epidemiological investigation of the outbreak.

A consultation report conducted by the Coalition for Public Health in the 21st Century also identified inadequate funding and human resources shortages as key barriers to the development of adequate health protection and promotion in Canada.

A sad comment of our inadequacies is the fact that just last week we were told that we have too few scientists to respond to a request for help from the World Health Organization in respect of the avian flu crisis. The Naylor committee recommended additional funding of \$700 million per year as a minimum prudent investment to make. I believe that the next federal budget should award \$300 million in new money to the agency in addition to the \$300 million currently devoted to the Population and Public Health Branch.

• (1530)

There are some who will say that this is too much money. Let me remind those people that the SARS epidemic cost more than \$1 billion. There are some who will say that our health care costs already unsustainable. They are right. The growth in costs is outstripping the growth in revenues — which means that health care is crowding out other government priorities at all levels. However, I wish to remind these people that investing in health promotion and protection will cut our health care costs. Let me give you some examples.

As the Prime Minister has said, the state of Aboriginal health is a disgrace, with health indicators comparable to those of the Third World. Health care spending for Aboriginals, on the other hand, is more than double the non-Aboriginal average. The Aboriginal health care system in Canada is probably the most expensive in the world, but it is not resulting in better health. Prevention and health promotion will reduce the burden of disease while also reducing costs. Throughout our country, expensive procedures are increasing in number. Cardiac procedures are increasing by 12 per cent a year; joint surgery by 8 per cent a year; and renal dialysis, which costs \$50,000 a year, by 14 per cent. Effective evidence-based prevention could reduce these numbers by half.

As baby boomers age, we hear sombre predictions of the impending bankruptcy of our health care delivery system. However, we know that health promotion in these groups will lead to what is called compressed morbidity, adding many years of healthy living and reducing health care costs in this age group.

[Translation]

That is why, honourable senators, I was pleased to learn in the Speech from the Throne about the creation of a new agency whose mandate it would be to protect and promote Canadians' health. I am also pleased to note that this agency will be created

quickly. I have every reason to believe it will be based on a solid scientific foundation. Today I wanted to make a strong plea for adequate financial resources in the next budget in order to help the agency fulfil its vital role in the health of our fellow citizens and maintain our country's fiscal balance.

Hon. Céline Hervieux-Payette: Honourable senators, I would like to draw my colleagues' attention to a subject that, although not mentioned in the Speech from the Throne for many paragraphs, should nonetheless be of interest to them.

The Governor General, in her address to our Chamber, said:

...that Canada is a world leader in developing and applying the path-breaking technologies of the 21st century, such as biotechnology, environmental technology, information and communications technologies, health technologies, and nanotechnology.

This is an area in which our daughters, the women of this country, will excel in the years to come, thus taking Canada to never-before achieved heights. There are more and more women entrepreneurs in Canada and they will have every opportunity to succeed and to bring a new perspective to our economy.

It is important to review what has gone on in recent months. A task force on women entrepreneurs has released a significant report, which I invite honourable senators to consult. This report will become one of the foundations for achieving our objectives. It is important to keep in mind that we have not yet achieved equality as far as the treatment of women entrepreneurs is concerned, as in a number of other areas.

Yet the number of young women entrepreneurs in Canada is rising every year, four times faster than the number of their male counterparts. It is important to keep in mind that these young people are the Canada of tomorrow.

A study was recently published on blue chip companies. Three hundred and fifty-three companies responded in a sampling of 500 major companies between 1996 and 2000. According to this study, the rate of return on investment was 35 per cent higher in businesses where the positions in command were occupied by women. These statistics were gathered at the request of the Bank of Montreal. This same study also reports the increase in stock value of these companies, which was 34 per cent higher than in companies with all male management.

This shows that it is cost effective to have women entrepreneurs, women at the head of our businesses. It is important for them to be involved in the development of our economy, particularly where the new technologies are concerned. According to another study, there is still a long way to go as far as the number of women in the boardroom is concerned.

A senate committee examined corporate governance and made some recommendations. According to the latest census, from 2001, only 9.8 per cent of executive positions in public companies are occupied by women.

[Senator Morin]

When the governance of companies is entrusted to women, who have a different point of view and a particular working style, these businesses are economically more productive. Thus, it is in the interest of companies to have women in leadership positions.

The programs the government will be presenting to support women entrepreneurs — whether they are administrators, managers or independent entrepreneurs — are truly in the interest of the entire country.

This report talks about the additional services that will be provided, the offices that will be opened and operated within the Industry Canada structure, which will make it possible to assist, support, and perhaps correct inequities in the private sector's treatment of women entrepreneurs. Studies have shown that it is still more difficult for a woman entrepreneur to obtain risk capital than for a man.

However, statistics show that since 1990, the number of women holding professional qualifications from universities has increased by 57 per cent and from colleges, 59 per cent. These women will be the managers of tomorrow. There is a contingent of them arriving on the market very soon and they will be in the majority in the labour market.

Of today's university graduates, 50 per cent are women, and that is a 47 per cent increase over the figures from 10 years ago. Measures that will help women move forward and that support women in the labour market are extremely important. We know that there are still structural barriers that do not allow exactly the same access to services and financing.

Speaking about the economy in general and the performance of companies led by women, remember that our committee recommended having a balance among administrators, if we want our businesses — and our public enterprises in particular — to be dynamic and to meet all needs in every sector. One of the important criteria is to ensure that women are appropriately represented on boards of directors.

Honourable senators, you are going to say that I am preaching for my own interests, but this is about more than women's interests alone. The future of the country is at stake. The government plans to introduce certain measures. I refer to the creation of specialized offices within Industry Canada. This is a step in the right direction.

• (1540)

There is also the announcement of a special venture capital fund, accessible through the Business Development Bank of Canada, for women who want to expand their businesses or develop new markets abroad, a new avenue for women entrepreneurs.

In fact, there is more than one government corporation to support women entrepreneurs. Here again, I believe there is underfunding and under-representation, and special efforts will have to be made, both in emerging sectors and in the traditional economy.

If the government wants to achieve its goals and objectives, which include moving forward with the new technologies, it needs women entrepreneurs.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, could Senator Hervieux-Payette indicate whether the report that she is referring to was tabled in the Senate?

Senator Hervieux-Payette: Honourable senators, the task force on women entrepreneurs was chaired by a member of Parliament, Ms. Bulte, and the vice-chair was Senator Calbeck. Senator Fitzpatrick was also a member of that committee.

The report is of course available to all honourable senators and it contains important recommendations to provide specific support to women entrepreneurs who are still in the process of raising a family. This initiative will provide specific support to these women, so that businesses are not jeopardized or children neglected.

This exercise was conducted across the country and I am taking this opportunity to salute those who took part in it and made recommendations. A number of these recommendations will surely be useful in the coming months.

[English]

Hon. Gerard A. Phalen: Honourable senators, I was pleased to hear in the Throne Speech that the government will undertake a 10-year, \$3.5-billion program to clean up contaminated sites for which the government is responsible. I should like to bring to your attention today the issue of contaminated sites that contain sea-dumped chemical and conventional munitions.

I am sure honourable senators recall the devastation wrought by Hurricane Juan in Halifax just six months ago. Not only did Nova Scotians have to contend with damage caused by the storm and massive power outages, but also they had to deal with World War II munitions and explosives that washed up on the shores.

Hearing about these munitions washing ashore immediately reinforced the testimony that was heard on June 3, 2003, by the Standing Senate Committee on Fisheries and Oceans. The committee heard from a panel of witnesses that included scientists, First Nations and an expert on explosive disposal. The testimony of these witnesses highlighted the potential for a catastrophic event to occur in our coastal waters. I was intrigued and had a need for more information. It was clear to me that anything that could pose such a significant threat certainly deserves greater investigation. Let me give you some of the background and history that I have learned about this serious problem.

The easiest and cheapest way to eliminate chemicals and conventional weapons in the aftermath of World War II was to dump them into the oceans. Sea dumping of chemical and conventional weapons took place from 1945 to the mid-1970s in every ocean of the world. Following Germany's defeat in 1945, their arsenal of chemical weapons totalled 300,000 tons. These weapons were captured by the Allied forces and dumped into the sea.

The U.S.A. is responsible for 60 sea dumpings, totalling 100,000 tons of chemical weapons filled with toxic materials.

In his book "Canada's Secret War," former journalist John Bryden revealed the scope and extent of Canada's chemical weapons program. Bryden's book opens with a graphic description of the military loading 10,982 drums — about 2,500 tons — of a deadly mustard blister agent onto a war-surplus ship in Halifax in 1946. The ship was towed into the Atlantic and pounded by anti-aircraft guns until it sank about 300 kilometres from Sable Island, Nova Scotia. It is only recently that DND has publicly admitted that these sites existed off both the East and West coasts of Canada.

The closure of U.S. military installations in Newfoundland and Labrador, particularly at Argentia and Stephenville, among others, was a source of widespread munitions dumping on the East Coast of Canada. It is reported that from Argentia large transport vessels made numerous trips to dump at sea. One such vessel, the *USS Calhoun County*, made four trips in October 1960 for ammunition disposal. Dumping originating from Argentia is known to have occurred off Cape Breton Island. Although some records do exist, we do not have a full understanding of what was dumped.

In addition to the dumping areas within the 4Vn fishing zone off Cape Breton Island, there are also 15 naval shipwrecks that may contain munitions. This area is actively being fished by both native and non-native fishers. The first site is a danger area containing unexploded ordnance. It has a radius of approximately one mile. The second site is identified on nautical charts as "explosive dumping grounds." It has a radius of approximately five miles.

A geophysical survey conducted over a two-year period by the Geological Survey of Canada confirms that there are two large anomalies within the Bras d'Or Lakes system that require further investigation. Sites are believed to exist in the Bras d'Or, in the waters near Johnstown, and Long Island.

Not only are Canada's Atlantic waters affected, but also activity occurred in the Pacific. On the West Coast, a 1947 photo from the *Victoria Daily Times* shows 400 tons of chemical warfare gas, "much of it still on the secret list," being unloaded in nearby Esquimalt, British Columbia, for dumping in the Pacific.

The disposal of chemical and biological warfare agents at sea was prohibited internationally by the London Convention in 1972, and implemented by Canada through the Ocean Dumping Control Act in 1975. The Chemical Weapons Convention, which was entered into force in April 1997, bans production, acquisition, stockpiling, transfer and use of chemical weapons, and compels its signatories to get rid of their arsenals by 2007.

Honourable senators, there can be no question that these munitions were dumped, but thankfully we now have treaties in place to ensure no further dumping.

Honourable senators, what is happening to these munitions as they sit on the ocean floor decade after decade, and what are the consequences to the environment, our health and our economy?

In 1992, the Helsinki Commission convened a special working group designated to deal with problems related to dumped chemical munitions within the Helsinki Convention Area, and that is in the Baltic Sea. This special working group, consisting of members representing the Baltic States and Scandinavia, along with others from the United Kingdom and the United States, examined the various problems arising from the chemical munitions dumped into the Baltic Sea until 1947. The commission noted that some of the more commonly dumped munitions do pose a threat to the photosynthesis of plankton and to the hatching rate of crustacean eggs. Specifically, their report noted that "warfare agents can persist locally in the sediment of elevated concentrations for a long period of time." These agents include those containing arsenic, as well as viscous mustard gas.

Dumping has occurred not only in oceans but also in lakes, ponds, rivers and wetlands. The Government of Canada has conducted investigations and/or remediation activities in Val Cartier River, Quebec, Elbow River in Alberta, Petawawa River in Ontario, as well as Lake Ontario and Lake Huron.

• (1550)

The incidence of munitions in lakes and rivers is less than that from ocean dumping but may even be more dangerous, as these areas are often closer to population centres making contamination of the water supply a real possibility.

Some have expressed concern that these munitions are contributing to the collapse of the fish stocks. While no links have been drawn as yet, recent data certainly supports the need for more research.

As an example of this data, a four-year study of cod and flounder stocks in the Bras d'Or Lakes conducted by the Department of Fisheries and Oceans and the Unama'ki Institute of National Resources shows the averages of all species are down. Tim Lambert, project supervisor and scientist emeritus at the Bedford Institution of Oceanography, was quoted as saying:

There is definitely a downward trend...but we don't know the cause. The same trend is happening in the Sydney Bight and that makes the study all that more interesting because they are adjoining but separate ecosystems.... These are parallel communities; we are pretty sure they are separate populations.

The study has ruled out fishing as a cause of the decline.

The health benefits of fish are well known. It is a good source of protein and is low in saturated fat. The American Heart Association says that fatty fish such as mackerel, lake trout, herring, sardines, albacore tuna and salmon are high in two kinds of omega-3 fatty acids, which protect against heart disease. Some researchers believe that fish lives up to its reputation as brain food and may help with memory and learning. Lately, however,

toxicity levels of mercury and lead are overshadowing the positive health benefits of fish. Some have even backed away from eating predator fish such as shark, tuna and swordfish. Other fish, such as salmon and freshwater whitefish, have lower levels of mercury present and are considered safer, primarily because they do not eat other fish containing mercury.

Laurie Chan, a toxicologist from McGill University, believes it is not helpful to offer across-the-board warnings about mercury levels in fish and that it is better to offer advice based on specific species of fish caught in specific bodies of water.

In her June 3 presentation to the Standing Senate Committee on Fisheries and Oceans, Dr. Jennifer Mokos, Vice-President of Alion Science and Technology stated:

If a dump site is disturbed enough to cause some sort of release, it could decrease the fish stock by approximately 70 per cent. This is just an example of what some of the outcomes could be.

In the Baltic Sea, munition dumps have started to discharge mustard gas, an oily liquid at room temperature which, when exposed to seawater, forms a thick outer crust over an inner core, allowing it to be brought to the surface where it can injure fishermen. The Danish authorities have recorded more than 400 cases of fishermen hauling up crusts of toxic materials in their nets, and there have been deaths and injuries to those who inadvertently handled the materials. Fishing is now forbidden around the four main dumping grounds, which hold an estimated 300,000 tons of ammunition.

We must also address the fact that our oceans are vitally important to the economies of both Atlantic Canada and British Columbia. When one considers that fish processing, tourism, traditional fishing, transportation and aquaculture are all bound tightly with the oceans, we begin to understand the value of the oceans from an economic perspective. Ocean industries in Atlantic Canada alone account for \$6.76 billion of gross domestic product, or 16 per cent of the total GDP of the region.

It is clear to me, honourable senators, that we have dumped munitions and that they are degenerating. The potential consequences are devastating, and the problem is very real today and must be addressed before time runs out.

What can be done? The Department of National Defence is tasked with protecting our homeland and vital interests abroad, from peacekeeping to peace enforcement and recently with the additional tasking of the war on international terrorism. How can the department, with an already limited budget and manpower, adequately address sea-dumped sites when the environment is not one of the top 10 priorities within the department framework?

Any future discussion on these sites should involve the Government of Canada and all of the stakeholders, including First Nations and regional participation, to ensure that a comprehensive risk assessment is carried out based on both

military and civilian technologies. These sites need to be clearly identified on nautical charts. As well, health and environmental risks associated with each site must be documented. Regional participation from each of the affected areas will ensure that stakeholders are adequately informed.

The Government of Canada must take the lead to identify hazardous sites not only in our waters, but also across the country, and prioritize sites based on the size, scope and risk of the problem. Sites should then be remediated or neutralized based on the risk, environmental impact, priority, resources and the available funding.

In an attempt to bring focus to the problem, the NATO scientific community sponsored an advanced research workshop on sea-dumped chemical munitions, held in Bellagio, Italy, in April 1996. This conference provided the opportunity to draft an action plan to prevent inertia on this potential ecological time bomb. A post-conference bulletin issued by conference organizers stated:

Although the risk of sea-dumped munitions does not meet the eye, the corrosion of the shells and rounds which were dumped five decades ago is progressing fast now. It is feared that major quantities of chemical agents will leak into the sea by 2005. Beyond the immediate impact of a further depletion of the world's endangered fish stocks, poisonous agents will enter the food chain via plankton. Toxic effects with possible genetic consequences would not be confined to the countries of the region, but might become a worldwide concern.

Canada's past as a chemical weapons producer was hidden so well that even the military is not sure where all the remnants of its toxic stockpile are buried or what risks they represent to the public and the environment.

In July 2003, the first stage of a \$10 million review commenced for warfare agents that were lost or improperly disposed of in Canada or its waters. The announcement of this study, however, does not mean that a solution is at hand or that the sites will be adequately addressed. The review is expected to be completed by 2007, but that review may not address the expected major releases of chemical agents into the oceans of the world by 2005.

I agree with the panel of witnesses that appeared before the Standing Senate Committee on Fisheries and Oceans on June 3, 2003. I believe that there should be greater federal involvement on the part of the departments and agencies other than the Department of National Defence, as well as a substantial long-term financial and scientific commitment on the part of the federal government to fully address the issue of sea-dumped chemical munitions.

A local ordinance disposal expert and resident of Cape Breton, Terry Long, who appeared before the Standing Senate Committee on Fisheries and Oceans on June 3 has taken the initiative to address this issue and is now working toward the development of an international conference on sea-dumped chemical munitions to be held in Cape Breton.

The Hon. the Speaker: Senator Phalen, I am sorry to interrupt, but I regret to advise that your time has expired.

Is leave granted for the honourable senator to continue?

Hon. Senators: Agreed.

Senator Phalen: Thank you.

Honourable senators, I support such an international conference with participation by the government and the United Nations. Canada has the opportunity to take the lead internationally on this serious issue of sea-dumped chemical munitions.

Mr. Long has also developed a proposal in conjunction with St. Francis Xavier University to conduct historical and scientific reviews on the sites and then to measure the levels of contamination in the water, sediment and organisms. The final component of the study will establish the impacts of the contaminants by conducting an environmental and public health scan of the selected First Nations communities. The proposal has been submitted to the Assembly of First Nations and Health Canada.

Honourable senators, some experts believe that a massive discharge of poisonous chemicals is likely to occur within the next four years. As I said earlier, NATO has identified 2005 as the potential date that global releases of a critical nature might occur. The first shock wave is expected to affect the Baltic and North Seas. As a result, governments of affected nations may impose a ban on fishing. If we do not want to see the same thing happen off the Atlantic coast, we must start looking at this issue today before it is too late.

• (1600)

Honourable senators, Senate committees are ideal vehicles to bring to the forefront historical information and scientific experts on this subject. It is my hope that either the Standing Senate Committee on Fisheries and Oceans or the Standing Senate Committee on Energy, the Environment and Natural Resources will undertake a study of this very serious issue and report its findings to the Senate.

Hon. Gerald J. Comeau: Will the Honourable Senator Phalen answer a question?

Senator Phalen: Of course, honourable senators.

Senator Comeau: First, I should like to congratulate Senator Phalen on his extremely important, well thought out and well presented speech. I agree entirely with the honourable senator. One could tell right away that his speech was not written by some obscure individual in the PMO. This was prepared by someone who knows of what he speaks.

I share the concerns of the honourable senator. Fishermen are casting nets in the areas to which he referred. They are probably

also dragging those very areas and throwing down lobster pots in them. This is extremely dangerous as it disturbs the munitions lying on the ocean floor.

Over the last number of years, this issue has not hit the front pages of either *The Globe and Mail* or the *National Post* — out of sight, out of mind. If what the honourable senator says will happen in 2005 — and I hope it does not happen — it would make the SARS crisis look like a Sunday afternoon picnic.

Has the honourable senator made his speech available to the Prime Minister and to the people in his think-tank? I ask my question not because the issue has not hit the front pages yet but as a proactive effort to try to come up with some kind of advance solution to what could be a national disaster.

Senator Phalen: Honourable senators, no. However, it has been suggested to me today. It is probably something I will do.

Hon. J. Michael Forrestall: Honourable senators, first, I wish to express appreciation for the remarks of the Honourable Senator Phalen.

Did the honourable senator make reference in his speech to the difficulty occurring in Bedford Basin with respect to the continued industrial development of the Dartmouth industrial park because of the location of the naval magazine adjacent to it? If not, could the honourable senator make mention of it when he circulates his comments? That could help to straighten out the difficulty we have with industrial expansion of our remaining waterfront land, which might be used for shipment, transshipment or the development, for example, of a tax free port, as well as a lot of other things that cannot happen now so long as that ammunition lies on the floor of Bedford Basin adjacent to the industrial park.

Senator Phalen: Honourable senators, my research did not find that. However, I am sure it is there. The recent storm did not blow it in. It did not come from 300 miles offshore. It came from somewhere in the Halifax Harbour in the Bedford Basin. There must be sites there.

I could find nothing in any records — and I looked for Bedford Basin in particular because I wanted to find out where these washed up munitions came from. I could not find that information anywhere.

It is the hope that the \$10 million study that is being done now will identify those sites.

[Translation]

Hon. Aurélien Gill: Honourable senators, we listened with great interest to the Speech from the Throne, the first by the government of the Right Honourable Paul Martin, the Prime Minister of Canada.

It struck a chord with me as an Aboriginal. First, I would like to sincerely congratulate the Prime Minister and his government for according so much importance to the issues concerning our people. This interest is evident in all of the Prime Minister's statements. There is no doubt that his concerns are real, his intentions good, and his commitments promising.

This is not the first time I have risen in this House to speak about First Nations issues. I will try not to repeat myself, although it will not be easy.

When we talk about Aboriginals in Canada, we have the impression that we are always starting at square one, as though the arguments of the past had never been raised.

Nonetheless, I still have hope. I want to be increasingly specific and to contribute to the success of this government's intentions to resolve the numerous problems Aboriginals face in this country.

This change in situation, this resolution, is something we have been wanting for generations. I suppose all Canadians would like to see an end to this abnormal and often disastrous situation.

I would like to take this opportunity to remind the honourable senators that Aboriginals are Canadians and that we want to become full citizens. We are as interested in Canadian realities as everyone else, sometimes much more so.

We are concerned about problems with the environment, the economy, the future of the regions, cultural and linguistic diversity, Canada's place in the world, and all the important national issues.

It is not because we are Aboriginals that we should be confined to strictly Aboriginal issues.

We want to help this country grow and flourish as a nation. We want to be recognized as having contributed fully as nations with our own identities, histories and cultures.

But for us to do that and be so recognized, something has to change. We have to take a step forward. We have to break the vicious circle. We must create and innovate — now.

Through the committees, the Prime Minister has just established, through the new parliamentary secretary, and through the groundswell that may encourage all people of goodwill, whether Aboriginal or not, to embrace new ways of doing things, there is once again hope that we can achieve something just and good for the First Nations of this country, based, of course, on our Aboriginal rights and treaties according to section 35 of the Constitution.

Yes, we want more economic prosperity, better education for the younger generation and better governance. But that will all be for naught if we do not create the political institutions that will back up these fine intentions and if we do not fight vigorously against the major obstacles, which of course have never changed.

We have been deprived of responsibility for nearly two centuries. That is roughly eight generations. The official policies have reduced our rights. The First Nations have been fragmented and isolated. In short, they have been unilaterally administered from the outside, by a centralized power that held all the reins controlling our daily lives, as individuals and as communities.

Because of that, we have lost our sense of nationhood. We were peoples; now we have become tiny groups living on Indian reserves — more than 600 Indian reserves, each with its council, its politics, its peculiarities and customs, under a guardianship that does not wish to disappear. These councils and reserves were imposed on us by the government and the act.

We must end this scattering that weakens us. I say it loud and clear: the invention of the word "band" — a band is not a First Nation and the future of the First Nations does not lie with the councils as defined by the Indian Act of today. Governance will have real meaning only if it is meant for autonomous aboriginal governments with well-defined jurisdictions, appropriately representing the electors and being accountable to them.

• (1610)

Honourable senators, these independent Aboriginal governments do not exist. What does exist is over 600 small communities lost behind the appearance of powers and at the mercy of the public servants' administration.

We all try to do the best we can with artificial structures that are foreign to our cultures, political structures arising out of the Indian Act. There must be an end to this. I am thinking of a number of small communities that have had to cope with all manner of problems. Often they find themselves totally alone, with no appropriate institution with which to manage their communities and all the problems inherent in a small isolated community or one adjacent to a major centre.

The community is often alone because it is subject to the administrative laws of Indian Affairs, although with some semblance of power it can have taken away from it at any time, for any number of reasons. Yet this is a democratic country we live in. The case could not be clearer: a band council, an Aboriginal community coping without any authority with a multitude of problems, without any institution to help it solve its problems. How did we come to be in this abnormal situation?

Do I need to remind this Chamber, Canadians in general, and Aboriginal Canadians, of the following, which is just one of many possible examples. Toward the year 1000 of the modern era, Hiawatha founded the Iroquois or Five Nations Confederacy, the Hau-De-Na-Sau-Nee. This was, metaphorically, a Long House bringing together the Seneca, Oneida, Onondaga, Cayuga and Mohawk nations. So, without going into further detail, we are talking here of the Iroquois Nation, itself comprised of five nations joined together in a confederation.

The Indian Act has never acknowledged the concept of nation as we understand it here. In fact, for a long time it even banned a number of political associations that were deemed not to conform with its own imposed system.

As a result, rather than have isolated small communities lacking resources, with one isolated chief and no power to even benefit from the most elementary justice, we ought to have communities sharing a common language, a common culture and one territory, grouped together under a single government authority, that of their nation. These communities would then be able to settle the urgent and vitally important issues of their fellow citizens. They would also be able to do such things as manage their own security services. The matter of security and the various abuses of power in the communities would be the responsibility of a responsible government capable of dealing with it, the independent government of the nation, be it Cree, Innu, Micmac or Mohawk.

But this government does not exist. In the minds of Canadian politicians, the nation does not exist. What exists are Aboriginal people, Aboriginal communities and small Aboriginal councils, with everything based on the principle of scattering, and keeping things small and politically weak. What goes for one nation goes for all the other First Nations of the country. But they do not exist as nations in the minds of Canadians.

Who talks about the Micmac nation in the Maritimes? Who talks about the Anishinabeg in Ontario? This is a major challenge for us Aboriginal people. This is a monumental task that we must undertake by changing our habits ourselves.

Once we were people and nations. We must become people and nations again. We must no longer be viewed as one million Aboriginals with no political references, no pride or dignity, lost off reserves, in cities, and lost on reserves, hidden away from the world.

For our children, we must create a new world of the First Nations. The time has come. These are critical years.

A number of reports have been published on this issue. More specifically, it would be appropriate to read or reread the conclusions and recommendations of the report produced by the Erasmus-Dussault royal commission, in 1997. This document is the latest in a long series of reports and studies that have always pointed in the same direction.

We need responsible First Nations governments. In Canada, we need new political institutions that reflect our identity as First Nations. Then and only then will these responsible governments, whether there are 12, 24 or 36 of them in Canada, respect the fundamental rules of governance, ensure economic prosperity and be responsible for education, health and justice.

[Senator Gill]

We will no longer have the arbitrary definitions and interpretations of officials concerning reserves, bands, the act, exceptions and administrative ruses. We will no longer be looking at a brick wall. We will close the chapter on guilt, dishonour, fear, crises, and exaggerations, because there will no longer be Savages, Aboriginals, or even Indians in Canada. Instead there will be Innu, Cree, Anishinabeg, Dene, Kakwakakwas, Tshepentem, Siksikwas, all proud to be Canadian. All Canadians will incorporate into the national culture the dignity of these thousand-year-old names of peoples who have survived a history which was not easy.

We must think about the future. These new institutions will be fashioned by our First Nations, by our leaders and our thinkers, in cooperation with the other governments in this country, in the normal course of events.

Canada will be a finer country the day First Nations regain their rightful place within it. That is what we want.

In conclusion honourable senators, I appeal to our historical conscience and collective goodwill in setting aside partisan tendencies in this chamber. As Canadians we are all facing this urgent need to change, once and for all, the unfortunate, unfair, even disgraceful destiny of this country's first inhabitants. The fact that we were the first Canadians makes us want to be Canadian all the more. We can enrich this country. The better off we are, the better off Canada will be. Let us boldly go forward.

On motion of Senator Kinsella, for Senator LeBreton, debate adjourned.

[English]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, before proceeding to the next item, I would like to draw your attention the presence in our gallery of 60 students from Appleby College, Oakville, who are participating in the school's annual visit to the Parliament of Canada.

Welcome.

• (1620)

[Translation]

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Jean Lapointe moved the second reading of Bill S-6, to amend the Criminal Code (lottery schemes).—(*Honourable Senator Lapointe*).

He said: Honourable senators, Bill S-6, previously known as S-18, had reached committee stage. During the last session, many senators had an opportunity to express their opinions and I believe it is essential that the bill be examined in greater depth by the Standing Committee on Legal and Constitutional Affairs, as quickly as possible.

I urge you all to pass the motion, which is intended to speed up the legislative process, in order to save lives and help the people who are struggling to escape the clutches of these infernal machines found on every street corner in eight of our provinces. I urge you to pass the motion so that people will stop committing suicide, households will stop breaking up, children will no longer be eating soda crackers for lunch because their father lost his wages over the weekend, and seniors will stop feeding their RRSPs into these infernal machines.

The video lottery terminal plague can leave no one indifferent. With all my heart, I hope this bill is adopted as quickly as possible.

In my opinion, honourable senators, video lotteries are one of the worst scourges Canada has seen since the Spanish flu.

On motion of Senator Kinsella, debate adjourned.

LOUIS RIEL BILL

SECOND READING—DEBATE ADJOURNED

Hon. Serge Joyal moved the second reading of Bill S-9, to honour Louis Riel and the Metis People.—(*Honourable Senator Chalifoux*).

He said: Honourable senators, you will remember that last week, as our colleague, Senator Chalifoux retired, her last act in this chamber was to introduce for first reading Bill S-9, to honour Louis Riel and the Metis People.

I remind you that this is the third time this bill has been presented in this chamber. It was introduced in the two previous sessions and I would like to move second reading.

Honourable senators, this bill, now in its third reincarnation, was referred in the last session of Parliament to the Standing Committee on Legal and Constitutional Affairs and we had begun to hear witnesses.

[*English*]

Honourable senators, our former colleague Senator Chalifoux made a passionate plea when she introduced this bill. In the previous session, there were contributions on both sides of this chamber on its merits, and it was referred to the Standing Senate Committee on Legal and Constitutional Affairs. For that reason, we could say that we have already started our study of the bill. Therefore, with the concurrence and acceptance of honourable senators, I would like to move the adoption of this bill at second reading.

On motion of Senator Kinsella, for Senator Stratton, debate adjourned.

USER FEES BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Mercer, for the second reading of Bill C-212, respecting user fees.—(*Honourable Senator Kinsella*).

Hon. Gerald J. Comeau: Honourable senators, I believe this bill should be referred to committee for scrutiny, but I wish to raise two points that honourable senators should be aware of. The first point is the exclusion of the Senate chamber in future dealings with this bill, and the second item concerns the costs associated with this bill.

First, on the question of the exclusion, the preamble to the summary of the bill reads that "This enactment provides for parliamentary scrutiny..." Remember the words "parliamentary scrutiny," and let me refer to some of the provisions of the bill.

Clause 2, the interpretation clause, states:

"Committee" means the appropriate standing committee of the House of Commons.

Clause 4(2) refers to the following:

In addition to subsection (1), the Minister must table a proposal in the House of Commons...

Clause 6(1) states that:

The House of Commons may pass a resolution approving, rejecting or amending the recommendation made by the Committee pursuant to section 5.

The bill goes further. If a committee fails to report recommendations to the House of Commons, the Minister must, within forty sitting days of Parliament after their implementation, report these actions to the committee.

Clause 8 states that the minister "shall cause to be laid before the House of Commons..." Subclause (2) indicates that:

A report laid under subsection (1) shall be referred by the House to the Committee.

Nowhere does this bill refer to the second chamber of Parliament, even though the summary of the bill refers to "parliamentary scrutiny." Therefore, if the second chamber is to be excluded in such bills, why not simply say it? Do not refer to "parliamentary scrutiny." Refer to one of the two chambers of parliamentary scrutiny, and say that the Senate is excluded. That is my first comment on the bill.

My second comment relates to cost. To my knowledge, no witnesses appearing before our committee in the last session of Parliament gave us any indication of the cost to implement this bill. However, clause 4 of the bill refers to such items as "consultation requirements."

Paragraph 4(1)(b) of the bill refers to giving "all clients or service users a reasonable opportunity..." I do not know who drafted that clause, but it is not very precise. What does "reasonable opportunity" mean? Are we to believe that those in the civil service will define it? I assume so.

Paragraph (f) of the same clause refers to establishing "standards which are comparable to those established by Canada's major trading partners..." Who are Canada's major trading partners? Is it the U.S.? Is it the first two or three partners we deal with, or the first 10 or the first 50? Again, we leave it to others to decide. It is very imprecise.

The bill refers to conducting an impact assessment whenever a user fee is to be established. What will be the cost of doing these impact assessments? It refers to establishing an independent, dispute resolution process, which one must assume will mean a whole new tribunal or a semi-judicial group in some shop somewhere. Again, there is no indication whatever of the cost of implementing this.

• (1630)

It is reasonable that the bill should be referred to committee. It is also reasonable that the department appear before the committee, or some departments, or the government — possibly Treasury Board officials — to indicate to us what it will cost to implement this bill. In this day and age of firearm registration, I think we have learned our lessons as parliamentarians. Sometimes costs do go slightly higher; there are slight overruns.

To use the gun registration as an example, costs went from \$2 million to more than \$1 billion and counting, plus give or take a couple of hundred million dollars a year for maintaining it. Who was the Finance Minister doing the books when this was calculated?

I think we have learned that those who do the planning for these new tribunals and so on have not taken any cost accounting courses. Therefore, we must be vigilant, especially since one of the two houses of the Parliament of Canada is to be excluded from this bill. This is our only kick at the can; this is our only opportunity to look at this matter. After this has passed through the Senate, we will no longer have anything to do with it, because it will strictly be the House of Commons. This is our one chance to do something. I hope it receives the scrutiny it deserves at the committee. With that in mind, I would be more than pleased to see it referred to committee.

On motion of Senator Rompkey, for Senator Carstairs, debate adjourned.

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Kinsella, for the second reading of Bill C-250, to amend the Criminal Code (hate propaganda).—(Honourable Senator Rompkey, P.C.).

[Senator Comeau]

Hon. Bill Rompkey (Deputy Leader of the Government): Inadvertently, I did not see Senator Cools. If she is ready and able to speak now to Bill C-250, I would be pleased to accommodate her.

Hon. Anne C. Cools: Honourable senators, the debate stands adjourned in Senator Rompkey's name. I think he should wrap his mind around speaking to the bill, since he is holding the debate.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Does Senator Rompkey intend to speak in this debate, or did he take the adjournment in the name of another senator?

Senator Rompkey: I took the adjournment because I understood that people wanted to speak in the debate. In order to accommodate them, I took the adjournment. I had Senator Cools specifically in mind, I might say.

Senator Cools: I am very pleased the deputy leader was so kind and magnanimous, but if the issue is who is taking the adjournment of debate, I would be quite happy to move the adjournment today myself.

The Hon. the Speaker pro tempore: It is moved by the Honourable Senator Cools that further debate be adjourned to the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

An Hon. Senator: No.

The Hon. the Speaker pro tempore: Will all those in favour of the motion please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker pro tempore: Will all those opposed to the motion please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker pro tempore: In my opinion, the "yeas" have it, and the debate is adjourned.

[Translation]

Hon. Fernand Robichaud: Honourable senators, I am not absolutely sure I understand the point of the last motion voted on. I would just like some clarification. I was under the impression that we were voting on a motion to defer the debate until the next sitting. From what I heard, it was apparently defeated. If I am mistaken, please inform me and I will then understand what just transpired a few seconds ago.

The Hon. the Speaker pro tempore: Honourable senators, if I understand correctly, the yeas were in the majority for adjournment of the debate. Perhaps I misunderstood, but it was my understanding that the debate was to be adjourned.

[English]

BILL TO CHANGE NAMES OF CERTAIN ELECTORAL DISTRICTS

SECOND READING—ORDER STANDS

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Could I ask my colleague, Senator Rompkey, on Bill C-300, to change the names of certain electoral districts, if he intends to speak on that bill which changes the names of the 301 ridings which are currently in place before June 23?

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, the bill is under active consideration at the moment and is being considered along with other bills and items that bear on the issue.

Order stands.

HUMAN RIGHTS

2002 BERLIN RESOLUTION OF ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY—MOTION TO REFER TO COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Fairbairn, P.C.:

That the following resolution, encapsulating the 2002 Berlin OSCE (PA) Resolution, be referred to the Standing Senate Committee on Human Rights for consideration and report before June 30, 2004:

WHEREAS Canada is a founding member State of the Organization for Security and Economic Co-operation in Europe (OSCE) and the 1975 Helsinki Accords;

WHEREAS all the participating member States to the Helsinki Accords affirmed respect for the right of persons belonging to national minorities to equality before the law and the full opportunity for the enjoyment of human rights and fundamental freedoms and further that the participating member States recognized that such respect was an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation between themselves and among all member States;

WHEREAS the OSCE condemned anti-Semitism in the 1990 Copenhagen Concluding Document and undertook to take effective measures to protect individuals from anti-Semitic violence;

WHEREAS the 1996 Lisbon Concluding Document of the OSCE called for improved implementation of all commitments in the human dimension, in particular with respect to human rights and fundamental freedoms and urged participating member States to address the acute problem of anti-Semitism;

WHEREAS the 1999 Charter for European Security committed Canada and other participating members States to counter violations of human rights and fundamental freedoms, including freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism;

WHEREAS on July 8, 2002, at its Parliamentary Assembly held at the Reichstag in Berlin, Germany, the OSCE passed a unanimous resolution, as appended, condemning the current anti-Semitic violence throughout the OSCE space;

WHEREAS the 2002 Berlin Resolution urged all member States to make public statements recognizing violence against Jews and Jewish cultural properties as anti-Semitic and to issue strong, public declarations condemning the depredations;

WHEREAS the 2002 Berlin Resolution called on all participating member States to combat anti-Semitism by ensuring aggressive law enforcement by local and national authorities;

WHEREAS the 2002 Berlin Resolution urged participating members States to bolster the importance of combating anti-Semitism by exploring effective measures to prevent anti-Semitism and by ensuring that laws, regulations, practices and policies conform with relevant OSCE commitments on anti-Semitism;

WHEREAS the 2002 Berlin Resolution also encouraged all delegates to the Parliamentary Assembly to vocally and unconditionally condemn manifestations of anti-Semitic violence in their respective countries;

WHEREAS the alarming rise in anti-Semitic incidents and violence has been documented in Canada, as well as Europe and worldwide.

Appendix

RESOLUTION ON ANTI-SEMITIC VIOLENCE IN THE OSCE REGION Berlin, 6-10 July 2002

1. Recalling that the OSCE was among those organizations which publicly achieved international condemnation of anti-Semitism through the crafting of the 1990 Copenhagen Concluding Document;
2. Noting that all participating States, as stated in the Copenhagen Concluding Document, commit to "unequivocally condemn" anti-Semitism and take effective measures to protect individuals from anti-Semitic violence;

3. Remembering the 1996 Lisbon Concluding Document, which highlights the OSCE's "comprehensive approach" to security, calls for "improvement in the implementation of all commitments in the human dimension, in particular with respect to human rights and fundamental freedoms", and urges participating States to address "acute problems", such as anti-Semitism;
4. Reaffirming the 1999 Charter for European Security, committing participating States to "counter such threats to security as violations of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism";
5. Recognizing that the scourge of anti-Semitism is not unique to any one country, and calls for steadfast perseverance by all participating States;
13. Calls upon participating States to ensure aggressive law enforcement by local and national authorities, including thorough investigation of anti-Semitic criminal acts, apprehension of perpetrators, initiation of appropriate criminal prosecutions and judicial proceedings;
14. Urges participating States to bolster the importance of combating anti-Semitism by holding a follow-up seminar or human dimension meeting that explores effective measures to prevent anti-Semitism, and to ensure that their laws, regulations, practices and policies conform with relevant OSCE commitments on anti-Semitism; and
15. Encourages all delegates to the Parliamentary Assembly to vocally and unconditionally condemn manifestations of anti-Semitic violence in their respective countries and at all regional and international forums.—(*Honourable Senator Kinsella*).

The OSCE Parliamentary Assembly:

6. Unequivocally condemns the alarming escalation of anti-Semitic violence throughout the OSCE region;
7. Voices deep concern over the recent escalation in anti-Semitic violence, as individuals of the Judaic faith and Jewish cultural properties have suffered attacks in many OSCE participating States;
8. Urges those States which undertake to return confiscated properties to rightful owners, or to provide alternative compensation to such owners, to ensure that their property restitution and compensation programmes are implemented in a non-discriminatory manner and according to the rule of law;
9. Recognizes the commendable efforts of many post-communist States to redress injustices inflicted by previous regimes based on religious heritage, considering that the interests of justice dictate that more work remains to be done in this regard, particularly with regard to individual and community property restitution compensation;
10. Recognizes the danger of anti-Semitic violence to European security, especially in light of the trend of increasing violence and attacks regions wide;
11. Declares that violence against Jews and other manifestations of intolerance will never be justified by international developments or political issues, and that it obstructs democracy, pluralism, and peace;
12. Urges all States to make public statements recognizing violence against Jews and Jewish cultural properties as anti-Semitic, as well as to issue strong, public declarations condemning the depredations;

Hon. Noël A. Kinsella (Deputy Leader of the Opposition):
Honourable senators, I rise to support the motion that is now before us, a motion to refer to committee the matter of the 2002 Berlin Resolution of the Organization for Security and Cooperation in Europe, which was developed by the organization's parliamentary assembly.

Honourable senators, our Standing Senate Committee on Human Rights is ideally situated and should be seized of this resolution, taking note of the fact that the member states of the OSCE, including Canada — all of which, of course, are party to the Helsinki accords — are, by virtue of being a state signatory, committed to the respect for the rights of people and persons belonging to national minorities, their right to equality before the law and the full opportunity for the enjoyment of human rights and fundamental freedoms.

• (1640)

Honourable senators, it might be appropriate to remind ourselves that, in the *Lovelace* case, the United Nations Human Rights Committee found Canada to be in violation of article 27 of the International Covenant on Civil and Political Rights, which provides that

In those States in which ethnic, religious or linguistic minorities exist persons belonging to such minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

Honourable senators, it seems to me that Canadians are blessed by the fact that we live in the freest country in the world, where the practice of freedom has enjoyed a humongous success, notwithstanding that there have been blemishes along the way. In Canada, where great care is given to the practice of freedom and to the values of human rights, those values find expression in

statutory law of Canada enacted over the years, both provincially and federally, and, of course, in the early 1980s, in the Charter of Rights and Freedoms.

It might also be instructive to note that the last phrase of the second preamble paragraph of the 2002 Berlin Resolution of the OSCE reads as follows:

...and further that the participating member States recognized that such respect was an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation between themselves and among all member States.

Honourable senators, my point is that there is an inextricable, direct relationship between respect for human rights and freedom and peace. That relationship is at the cornerstone internationally of the United Nations system. Frequently throughout the Charter of the United Nations, we find the articulation of the relationship between respect for human rights and peace.

The 2002 Berlin Resolution of OSCE calls upon all member states to take specific action to combat anti-Semitic violence and other manifestations of anti-Semitism and to condemn it unequivocally. The Standing Senate Committee on Human Rights might wish to analyze the nature of anti-Semitism in Canada in the year 2004 and to make recommendations concerning the effectiveness of our current federal anti-discrimination legislation. I believe that it is important.

Honourable senators, by supporting the motion that this resolution be examined by our Human Rights Committee is not only an opportunity for Canada to fulfil its role as a member state of the OSCE but also an opportunity for us to assess the current nature of things in our ongoing development of human rights values so critical to our quality of life. We could also assess our progress toward the necessity for zero tolerance of any form of discrimination, and in particular anti-Semitism and acts of violence that are motivated by anti-Semitism, none of which has any place in Canadian society.

The Hon. the Speaker pro tempore: I must advise honourable senators that if Senator Grafstein speaks now, his speech will have the effect of closing the debate.

Is there a senator who would like to speak?

Hon. Jeremiah S. Grafstein: Honourable senators, I shall be brief. I want to thank the Honourable Senator Kinsella for his assistance and his pointed references to our existing legislation and our obligations as a member state of the OSCE. When we sign treaties, we have an obligation to comply. The 2002 Berlin Resolution sets out the many manifestations of resolutions affecting the question of anti-Semitism in the entire OSCE region. As parliamentarians, we are obliged under that resolution to debate, consider and review our legislation, as the honourable senator pointed out, and to bring it forward to educate the public and ourselves about this ancient scourge. Again, I thank Senator Kinsella for his support.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

[Translation]

STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

MOTION REQUESTING GOVERNMENT RESPONSE— DEBATE ADJOURNED

Hon. Jean-Robert Gauthier, pursuant to notice of February 3, 2004, moved:

That, pursuant to rule 131(2), the Senate ask the government to table a detailed and comprehensive response to the Fourth Report of the Standing Senate Committee on Official Languages, tabled in the Senate on October 1, 2003, during the Second Session of the 37th Parliament, and adopted on October 28, 2003.

He said: Honourable senators, I will be as brief as possible. This is an important speech and one I want to see taken seriously. It is a matter of requesting a comprehensive response from the government to a report of a standing committee of the Senate, in this case the Standing Senate Committee on Official Languages, which tabled a report in October 2003.

That report deals with a number of issues and particularly the government's action plan on official languages, which was tabled almost one year ago, on March 12, 2003.

The Standing Senate Committee on Official Languages and the Senate have reviewed the report and taken a close look at its content. The committee made 21 recommendations to the government to ensure that this action plan is seriously taken into consideration.

So, I suggested that we ask the government to table a comprehensive response and I am moving the motion.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I would like to add a few words regarding Senator Gauthier's motion. Based on rule 131(2) of the *Rules of the Senate*, I think it is important that the government provide responses to the requests made by our committee. These serious studies include important recommendations.

• (1650)

It is interesting to see that, under the current circumstances, a distinction seems to be made between the current and former governments. But since there is not really any difference between these two governments, I personally think it would be necessary to obtain clarification from the current government on this issue.

We can expect the response of the Martin government to be the same as that of the Chrétien government. In any case, I think it is important that honourable senators support Senator Gauthier's motion.

The Hon. the Speaker *pro tempore*: Is the house ready for the question?

On motion of Senator Corbin, debate adjourned.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

MOTION TO AUTHORIZE COMMITTEE TO STUDY CERTIFICATION OF PETITIONS TABLED IN THE SENATE—DEBATE ADJOURNED

Hon. Jean-Robert Gauthier, pursuant to notice of February 3, 2004, moved:

That the Standing Committee on Rules, Procedures and the Rights of Parliament be authorized to examine, for the purposes of reporting by March 1, 2004, all Senate procedure related to the tabling of petitions in this Chamber in Parliament assembled, that a procedural clerk, having examined the form and content, certify the petitions in accordance with established standards and that follow-up be provided for in the Rules of the Senate.

He said: Honourable senators, this is also an important motion. For centuries, citizens have submitted petitions intended to right a wrong or make a change in a law.

Here in the Senate of Canada, there are no rules regarding the tabling of petitions. The Senate receives a great many petitions on many subjects; they are deposited somewhere and that is the end of that.

Recently, I started tabling petitions asking that Ottawa, the country's capital, be declared an officially bilingual city. During the second session of the 37th legislature, I submitted nearly 25,000 petitions, and I am at it again, with more petitions that come regularly into my office. In fact, I tabled some nearly every day of the second session.

I consider it important for petitions to be looked at seriously by the appropriate committee. For example, a petition dealing with a constitutional issue would be handled by the Standing Senate Committee on Legal and Constitutional Affairs.

In the House of Commons, the tabling of petitions is taken seriously. Every day there is a fifteen-minute period allocated for petitions. Here in the Senate, I could not be prevented from rising to read each of the 1,000 petitions I present. I do not want to do that, as it would obviously be a waste of time.

This is why it is essential to pay special attention to petitions. The Senate constitutes one of the chambers of Canada's Parliament and must take it seriously when it tells Canadians they may present petitions and the Senate will follow up on them.

In the House of Commons, as in other legislatures, there is always a response to petitions. The government must reply. Here

in the Senate the petitions go nowhere, and that does nothing for the credibility of senators, nor does it encourage dialogue with the public.

I think this is a bad arrangement. The Senate neglected to add a provision to its procedure for follow-up on petitions. A "petitions clerk" could be appointed as an indication that the Chamber respects the requirements.

This motion calls for the Senate to adopt the appropriate rules for the tabling of petitions. I therefore propose that this motion be adopted and referred to the Committee on Rules, Procedures and the Rights of Parliament, so that it may make a serious contribution to this matter.

In the fourteenth report, tabled in June 2002, it is noted that Senator Austin made a recommendation, which I myself had made in 2001, concerning petitions. I believe it is important for there to be a follow-up on our promise to be an integral part of the process whereby the Canadian people may be heard equally in the Senate and in the House of Commons.

The Hon. the Speaker *pro tempore*: Are honourable senators ready for the question?

On motion of Senator Corbin, debate adjourned.

[English]

TRANSPORT AND COMMUNICATIONS

MOTION TO AUTHORIZE COMMITTEE TO CONTINUE STUDY ON MEDIA INDUSTRIES— DEBATED ADJOURNED

Hon. Joan Fraser, pursuant to notice of February 5, 2004, moved:

That the Standing Senate Committee on Transport and Communications be authorized to examine and report on the current state of Canadian media industries; emerging trends and developments in these industries; the media's role, rights, and responsibilities in Canadian society; and current and appropriate future policies relating thereto;

That the Committee submit its final report to the Senate no later than Thursday, March 31, 2005; and

That the papers and evidence received and taken on the subject and the work accomplished during the Second Session of the Thirty-seventh Parliament be referred to the Committee.

She said: Honourable senators, this is a repetition of a request for a reference that the Senate granted to the Standing Senate Committee on Transport and Communications in the last session. This is identical in all substantive details to that order of reference from the last session, the only changes being that this order would call for a final report in 2005 and that, understandably, we ask that papers and evidence received and taken during the last session be referred to the committee, so that it can continue with

its work without repeating work that has already been done. This motion was quite significantly debated in the last session and I would like to propose that it be adopted.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I would like to ask a question of the chair of the committee. Concerning the date of March 31, 2005, would the chair advise us what date that her committee was to report just before we prorogued? What was the date in the order of reference of the committee?

Senator Fraser: Honourable senators, the date then was March 31, 2004. However, some colleagues may recall, when we were discussing in this chamber the budget for this inquiry, I reported that the Internal Economy Committee — which, is faced with trying to do enormous amounts of work with fewer dollars than committees request — had requested that we plan to spread our work over two fiscal years. The committee agreed with that proposal, and no dissenting voice was heard in the chamber. Hence, this order of reference simply reflects that understanding.

On motion of Senator Kinsella, debate adjourned.

• (1700)

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Joan Fraser, pursuant to notice of February 5, 2004, moved:

That the Standing Senate Committee on Transport and Communications be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Joan Fraser, pursuant to notice of February 5, 2004, moved:

That the Standing Senate Committee on Transport and Communications have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

Motion agreed to.

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO CONTINUE STUDY ON TRADE RELATIONSHIPS WITH UNITED STATES AND MEXICO

Hon. Peter A. Stollery, pursuant to notice of February 5, 2004, moved:

That the Standing Senate Committee on Foreign Affairs be authorized to examine and report on the Canada—United States of America trade relationship and

on the Canada—Mexico trade relationship, with special attention to: (a) the Free Trade Agreement of 1988; (b) the North American Free Trade Agreement of 1992; (c) secure access for Canadian goods and services to the United States and to Mexico, and (d) the development of effective dispute settlement mechanisms, all in the context of Canada's economic links with the countries of the Americas and the Doha Round of World Trade Organisation trade negotiations;

That the papers and evidence received and taken during the Second Session of the Thirty-seventh Parliament be referred to the committee; and

That the Committee shall present its final report no later than June 30, 2004 and that the Committee shall retain all powers necessary to publicize the findings of the Committee as set forth in its final report until July 31, 2004.

He said: Honourable senators, we are continuing our study on the NAFTA. This is the same reference that we had in the last session. Nothing except the date for reporting has been changed. We anticipate completing this order of reference before the end of March.

Some Hon. Senators: Question!

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

MOTION TO AUTHORIZE COMMITTEE TO CONTINUE STUDY ON ISSUES RELATED TO FOREIGN RELATIONS—DEBATE ADJOURNED

Hon. Peter A. Stollery: Honourable senators, pursuant to notice of February 5, 2004, moved:

That the Standing Senate Committee on Foreign Affairs, in accordance with Rule 86(1)(h), be authorized to examine such issues as may arise from time to time relating to Foreign relations generally; and

That the Committee report to the Senate no later than June 30, 2004.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): We should like to have an explanation as to why this motion is being proposed by the chair of the Standing Senate Committee on Foreign Affairs.

Senator Stollery: Honourable senators, this motion reintroduces one of our terms reference from the last session.

Senator Kinsella: Honourable senators, I am quite obtuse in these matters. As I read this motion, it gives a blanket order of reference to the Foreign Affairs Committee to study whatsoever issue. The motion reads, in part, that the committee

...be authorized to examine such issues as may arise from time to time relating to Foreign relations generally.

According to our rules, a committee an order of reference must be approved by the Senate for a committee to undertake profound or in-depth study on a particular issue. In that way, honourable senators are afforded an opportunity to assess whether the issue a particular committee is proposing to study is of a priority in the minds of honourable senators. Under that scenario, honourable senators are permitted, if so desired, to ask questions as to the methodology that would be employed by the committee carrying out such a study.

I do not think that this provision is typical practice. Perhaps Senator Stollery would provide a response to that.

Senator Stollery: Honourable senators, as Senator Kinsella has pointed out, this is a broad motion. The thinking of committee members is that we sometimes cannot anticipate what emergency or crisis might occur in foreign affairs. Clearly, the committee is occupied for what we suspect may be the rest of this session with completing the NAFTA part of our review of the Free Trade Agreement of 1988 and the North American Free Trade Agreement of 1992. There is no question about that.

This motion, which has been approved by the Senate previously, seeks to cover the committee in the event of an unanticipated foreign affairs issue. We will not live or die if this motion is not approved by the Senate, but that is the rationale for it — to cover us in the event that an issue comes before us that we had not anticipated.

Senator Kinsella: Honourable senators, every other committee could argue the same case. For instance, in regard to the Energy Committee, some issue relating to energy could come up. With regard to the Social Affairs, Science and Technology Committee, an front-burner issue could arise relating to new science or new technological methods. Typically, in order for the Senate to be able to manage its business and the business of its committees, committees are required to seek an order of reference from the Senate. The Senate will then decide whether to approve the order of reference.

I understand the argument of the honourable senator, but, by extension, then, that philosophy should apply to all committees.

Hon. Eymard G. Corbin: I have a question of Senator Stollery. Is it not a fact that this kind of provision is meant to cover various situations, such as visiting VIPs, briefings from the departments and joint meetings upon invitation of the House of Commons? We have had a number of those situations in the past and these events are usually sprung upon us on very short notice, at times with no notice at all. The Senate is willing to participate and to do its share in these exercises. This motion would cover just those sorts of events, would it not?

• (1710)

Senator Stollery: Honourable senators, as I said, this has been a standard motion of the Foreign Affairs Committee for the last few sessions of Parliament.

[Senator Kinsella]

As Senator Corbin has pointed out, we are quite commonly asked to meet, on short notice, with dignitaries from other countries. Sometimes notice is received the same day. Quite often, these meetings are not about a subject we are studying. However, because of protocol and for diplomatic reasons, members of the committee have been good at showing up at some of these events. As Senator Corbin has said, that covers us.

I assure honourable senators that we would not contemplate a study that would cost money without first going to the Standing Committee on Internal Economy, Budgets and Administration and then coming to the Senate.

This is not about finances. For anything more than this kind of thing, we would, of course, come back to the Senate to seek its approval.

Hon. John Lynch-Staunton (Leader of the Opposition): According to Senator Stollery, nothing is at stake here. Therefore, I move the adjournment of the debate.

On motion of Senator Lynch-Staunton, debate adjourned.

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Peter A. Stollery, pursuant to notice of February 5, 2004, moved:

That the Committee on Foreign Affairs be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Peter A. Stollery, pursuant to notice of February 5, 2004, moved:

That the Standing Senate Committee on Foreign Affairs have power to engage services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as referred to it.

Motion agreed to.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Lorna Milne, pursuant to notice of February 5, 2004, moved:

That the Standing Committee on Rules, Procedures and the Rights of Parliament be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO CONTINUE STUDY ON ISSUES RELATED TO MANDATE

Hon. Tommy Banks, pursuant to notice of February 5, 2004, moved:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to examine and report on emerging issues related to its mandate:

- (a) The current state and future direction of production, distribution, consumption, trade, security and sustainability of Canada's energy resources;
- (b) Environmental challenges facing Canada including responses to global climate change, air pollution, biodiversity and ecological integrity;
- (c) Sustainable development and management of renewable and non-renewable natural resources including water, minerals, soils, flora and fauna;
- (d) Canada's international treaty obligations affecting energy, the environment and natural resources and their influence on Canada's economic and social development;

That the papers and evidence received and taken during the Second Session of the Thirty-seventh Parliament be referred to the Committee; and

That the Committee report to the Senate from time to time, no later than February 28, 2005, and that the Committee retain until March 31, 2005 all powers necessary to publicize its findings.

He said: Honourable senators, beginning with the word "That," this motion is identical to the one which was in place during the last session of Parliament. It allows us to continue our work, and I should like to point out to honourable senators that we are obliged to report to the Senate on by February 28, 2005.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, can Senator Banks tell us the date for

reporting to the Senate in the committee's previous order of reference?

Senator Banks: February 28, 2005.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

[Translation]

BANKING, TRADE AND COMMERCE

MOTION TO AUTHORIZE COMMITTEE TO STUDY CREDIT RATES ADOPTED

Hon. Madeleine Plamondon, pursuant to notice of February 5, 2004, moved:

That the Standing Senate Committee on Banking, Trade and Commerce place a study of credit rates on its agenda for the current session.

She said: Honourable senators, pursuant to notice of February 5, 2004, I move that the Standing Senate Committee on Banking, Trade and Commerce place a study of credit rates on its agenda for the current session. This issue is very important because today Canadians are spending more than ever. It is easy to get credit, and interest rates on credit range from 4.25 per cent to 15 per cent at a regular institution, but can be as high as 50.6 per cent at a financing company. I have a contract on hand to prove it. It is very important that the Standing Committee on Banking, Trade and Commerce debate this issue.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Wednesday, February 11, 2004, at 1:30 p.m.

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OFFICIAL REPORT
(HANSARD)

Wednesday, February 11, 2004

—

THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Wednesday, February 11, 2004

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

TRIBUTES

THE LATE RIGHT HONOURABLE
ROBERT L. STANFIELD, P.C., Q.C.

The Hon. the Speaker: Honourable senators, I wish to advise that I have received, pursuant to our rules, a letter from the Honourable Senator Lynch-Staunton, Leader of the Opposition in the Senate, requesting that we provide for time this afternoon for tributes to the Right Honourable Robert L. Stanfield, PC, QC.

[Translation]

Mr. Stanfield died on December 16, 2003. Tributes to the Honourable Robert Stanfield.

[English]

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, there is nothing more revealing of the impact that Robert Stanfield and his legacy continue to have on Canadians than the fact that nearly a quarter of a century after leaving public life to retire to the most private of lives, he continues to be remembered so vividly and warmly.

One did not have to be long or often in his presence to recognize how uniquely privileged Canadians were to have in politics, where too often party and personal ambitions come before the public interest, a man who never hesitated to always put his country first, no matter how tempting it must have been to do the opposite, such as when the Pearson government was defeated on a budget bill in February 1968.

[Translation]

Despite fierce opposition within his own party, he never wavered in his complete support for the principle of bilingualism and the recognition of Quebec as a distinct society within Canada.

[English]

Robert Stanfield was fiscally conservative, socially progressive, and respectful of provincial jurisdiction. May those who aspire to follow in his traces not deviate from the path that so many continue to take because of his inspired and compassionate leadership.

Hon. B. Alasdair Graham: Honourable senators, it is sad but true that many Canadians often mistakenly think of the recently departed Robert Stanfield only as the man who lost three epic elections to the Trudeau Liberals.

I had the privilege and great pleasure of knowing Robert Stanfield for many years. His warmth and folksiness were legendary, as was the huge, compassionate heart of this independently wealthy Red Tory.

Today I want to reflect on the late Dalton Camp's oft-quoted comment that Robert Stanfield "may be too good for politics." That reflection was, with the greatest respect to Dalton, inaccurate.

Tough-minded, disciplined and possessed of remarkable intellectual flexibility, the man who became an icon in my province brought civility, honour and a new respect for the political playing field, yet he was also a gifted tactician and a masterful strategist in battle. There is a great deal of credence in the very worthy observation that Robert Stanfield bore a "Lincoln-like" persona. I can attest to that as I have personally witnessed the formidable combination of his down-home style and chivalrous, yet indomitable, command in the field.

I was a casualty of the 1958 federal election in Antigonish-Guysborough in which Mr. Stanfield campaigned personally for the Progressive Conservative candidate. As all honourable senators will remember — particularly those from Nova Scotia — teenagers were allowed to run in those days. Stanfield said I was not ready and too many people believed him. Even though the Right Honourable Lester Pearson came out to speak at a rally in support of my campaign, the historic tide of the Diefenbaker sweep plus the magic of Robert Stanfield and, of course, my own personal inadequacies ensured my defeat.

Stanfield would go on to win four majority governments in Nova Scotia. Later, in 1972, I was part of another army that fought the good fight under the leadership of Pierre Trudeau and barely squeaked by with a narrow victory over the man whom Dalton said was "too good for politics." That might have changed history in Canada; the margin of victory was two seats.

This complex figure in our history brought principles, grace and dignity to the national stage. The great bard once wrote, "He was a man, take him for all in all, I shall not look upon his like again."

How fitting a tribute to a fine Canadian and Nova Scotian whose example, dedication and high standards made politics a better place to be. To his wife Anne and their extended family, we extend our expression of profound gratitude and the deepest sympathy.

Hon. John Buchanan: Honourable senators, in May of 1967, I was honoured and privileged to run as a candidate in the provincial election as a "Stanfield man." Many here would recall those elections. We certainly were Progressive Conservative candidates, but our posters, labels and pins stated, "I'm a Stanfield man." Unfortunately, back then there were no women running for any political party in Nova Scotia. That has changed now, of course. In that election, our party won 40 of the 46 seats in Nova Scotia. I was fortunate to be one of the winners.

Mr. Stanfield was first elected as a MLA in 1949. He was instrumental in building the Progressive Conservative Party from two MLAs in that election to forming the provincial government in 1956. As Senator Graham mentioned, following that he won elections as premier in 1960, 1963 and 1967.

• (1340)

During my 19 years as leader of the party in Nova Scotia and 13 years as premier of Nova Scotia, I always cherished his wise advice. I had the opportunity, through the 1970s and the 1980s, to introduce Mr. Stanfield — RLS, as he was affectionately called — on many occasions throughout the province, and I always referred to him as “the greatest prime minister this country did not have.”

He will be remembered for years as one of the great Nova Scotians of the last half of the 20th century. He was honoured by many universities with honorary doctorate degrees. He was a man of great integrity and intelligence, and his life was committed to dedicated service to his province and his country.

His legacy will also be the sense of social consciousness he brought to this country, unparalleled until his time. He will be sorely missed in Nova Scotia and in the entire country. We extend our deepest sympathy to Anne and the family.

Hon. Sharon Carstairs: Honourable senators, I rise to pay tribute to the late Honourable Robert Stanfield — who I knew, I suspect, in different ways than others in this chamber. I remember him as the father of Sarah — who was my contemporary — Max, Judith and Mimi. I remember him as a proud gardener at his home on Gorsebrook Avenue in Halifax.

I remember one day entering the kitchen of our home and finding my mother in tears, as she had just learned that Mr. Stanfield's first wife, Joyce, had been killed in a dreadful car accident. I also remember the day he married Mary Hall, and how very pleased my parents were that these two special people had found each other.

I do not know his wife, Anne, but I offer her my sincerest condolences.

Mr. Stanfield was in the Nova Scotia legislature at the same time as my father, from 1948 until my father came here in 1955. I knew Mr. Stanfield as the Leader of the Opposition. I remember the 1956 election when he became premier. As Senator Murray will know, that election evoked mixed reactions in my family.

Robert Stanfield served his native province and his country extremely well. We all have our political beliefs — I did not vote for him at either the provincial or federal levels — but that in no way influenced the enormous respect I had for this man, who reflected all of the very best characteristics of public service.

My nephew, Ted, who lives with me while going to the University of Ottawa, lives on Henry Street in Halifax, across the street from Mimi and her family. Therefore, the family connection continues to this day. Ted and I both wanted to go to the funeral, but we respected the notice I received in my office that it was to be

a private affair. We were there in spirit, and I wish to express our sincerest condolences to the extended family.

Hon. Marjory LeBreton: Honourable senators, I rise to pay tribute to the Honourable Robert Lorne Stanfield. As you know, I have been involved in the Conservative party for a long time. I met Mr. Stanfield at annual meetings in the early 1960s, and I got to know him well because I was one of four people who worked with him at the Chateau Laurier Hotel before he took his seat in Parliament. He won a by-election in November 1967, having won the leadership in September. His wife Mary was at the Chateau Laurier Hotel with him. The other three people who worked with him at the hotel were Senator Murray, Joe Clark, and Bernard Flynn, who is now a judge in Quebec. I managed his office until he took his seat in the House of Commons.

Never in my political life have I met another person of such honesty and decency as Robert Stanfield. It is true that he was the best prime minister we never had. I will never forget the 1972 election night, when the CBC had the colour blue at the top of the screen. It was one of the most exhilarating nights I had ever experienced in politics.

Mr. Stanfield had a tremendous sense of humour — although most people did not know that.

He was the right man at the wrong time. Canada was just emerging from the flower child era. Mr. Trudeau had just won the Liberal leadership, and Mr. Stanfield, in his thoughtful, pondering way, could not match the television image of Mr. Trudeau, which is indeed a pity.

As many people have mentioned, Mr. Stanfield was a tremendous gardener. He was particularly successful with roses, and I remember his rose gardens in Halifax. I can grow anything but a rose. Mr. Stanfield spent many hours trying to teach me soil composition, et cetera, but to this day I cannot keep roses alive in my garden.

Mr. Stanfield's wife, Anne, was a wonderful soulmate to him for 25 years. His first wife, Joyce, was killed in a tragic automobile accident, and his second wife, Mary, died of cancer. We used to joke that he was a great believer in the institution of marriage, and he always seemed to marry his wife's best friend. Anne Stanfield is a wonderful, loving mate, and I am sure that she kept him alive longer than he normally would have lived.

To his wife, Anne, and his children, Sarah, Max, Judy and Mimi, I express my sincere condolences. We will greatly miss him.

Hon. Terry M. Mercer: Honourable senators, it is rather ironic that my first speech in this chamber would be to honour Robert Lorne Stanfield. My first acquaintance with Mr. Stanfield was when I was a student in grade five. I went on a yearly visit to the Nova Scotia legislature and sat in the gallery and watched a very heated debate. I do not remember much of the actual words, but I do remember the subject, which was whether Nova Scotia should be allowed to use coloured margarine. I know that debate raged in other parts of the country as well. It was a rather funny debate, and I found myself siding with Mr. Stanfield's argument, although my family doctor, who was a Liberal member at the time, chastised me later.

My main recollection of Mr. Stanfield, however, was through my father-in-law, who was a lifelong Progressive Conservative. I have converted the family since then. My father-in-law, who was a taxi driver in Halifax, spoke highly of Mr. Stanfield. He would tell me of seeing Mr. Stanfield walk to work daily, a testament to the fact that Mr. Stanfield was a simple, basic and good human being. When it would rain, my father-in-law would pick him up and drive him to the legislature — at no charge, of course, because my father-in-law was a Tory. After their conversations in the car, my father-in-law would relate how warm and caring Mr. Stanfield was.

The Stanfield legacy in Nova Scotia will be very hard to match by any premier, before or since. In Nova Scotia, there seem to be two great icons as premiers: Angus L. Macdonald, a Liberal, and Robert Stanfield, a Tory. We should all aspire to be remembered as well as Robert Stanfield is remembered today.

To his family, I offer my condolences.

Hon. Norman K. Atkins: Honourable senators, it is a privilege for me to join with colleagues on both sides of the chamber to celebrate the life and contribution to Canada of the Right Honourable Robert L. Stanfield. However, it would not be fitting to pay tribute to Bob Stanfield without calling to mind two others who, for me, played an integral role in his life and, therefore, mine, throughout our long association. Those two others, whose passing we have also marked in this place, are Dalton Camp and Finlay MacDonald. If there is a political heaven other than the Senate, and I devoutly hope there is, the discussions among these three would undoubtedly surpass any political talk show we have down here.

• (1350)

Senator Lowell Murray, in his eulogy at Mr. Stanfield's funeral, referred to him fittingly as a man of civility, humanity and integrity who adorned our national life in Canada. I agree.

Few people would know that as a young man RLS was an outstanding student and athlete, which set the stage for his strong principles and values — indeed, for his overall character. He was a person who valued his opponents and treated them with dignity. He had a tremendously dry sense of humour and wit, which he often utilized to defuse various situations.

I worked with him, or for him, in every electoral leadership campaign he undertook from 1953 in Nova Scotia to 1974 federally. I was fortunate to have him as a leader and a friend.

Perhaps more than anyone, RLS personified for me what it meant to be a member of the Progressive Conservative Party. His political philosophy was founded on sound fiscal management, a concern which gave birth to his wage and price controls policy in the 1974 federal election. Combined with that fiscal conservatism came a humanity that he derived from his roots in Nova Scotia. His concern for the plight of the poor, for the minorities, in particular the Black minorities in Nova Scotia, for the French

language minorities in Canada and the need to retain Quebec's place within Canada transcended all his thinking on social policy. He truly believed that it was the role of government to ensure equality of opportunity for all Canadians.

It is remarkable that this modest, self-effacing man has, without trying, left a legacy of integrity in public life, a legacy of leadership and of doing the right thing and not that which is most politically expedient.

I suppose one of his greatest disappointments came in the results of the two federal elections in 1972 and 1974. Even then his concern for others came through in his comments. In a letter to me in his own virtually indecipherable handwriting, written shortly after the 1972 election, he lamented that "the Grits were lucky the campaign did not last another week — we will have to do this job in two stages." When the results of the 1974 election were so disappointing and he decided, in 1976, to retire, he rejected my entreaties to remain as leader and wrote to me expressing concern about my feelings, putting his own disappointment behind him.

Honourable senators, Nova Scotia, Canada and our political system are richer because of his presence. He gave unselfishly of himself to this country, his province and to those who knew him. I am indeed fortunate to have known him for over 50 years.

Hon. Wilfred P. Moore: Honourable senators, I rise today to speak to the memory of the Right Honourable Robert Lorne Stanfield.

Robert Stanfield was born on April 11, 1914, in Truro, Nova Scotia. His parents were Frank and Emma Stanfield. His dad was a dedicated public servant who himself was elected to the provincial legislature of Nova Scotia four times, as well as serving as Lieutenant-Governor of our province.

Robert Stanfield began his political career in 1948 when he was elected Leader of the Progressive Conservative Party of Nova Scotia. He was subsequently elected to the House of Assembly in 1949 and re-elected in the general elections of 1953, 1956, 1960, 1963 and 1967. When he took over the Progressive Conservative Party, it had no seats in the legislature. He led the party to power, serving 11 years as our premier. During that time, he also served as Minister of Education.

I attended Queen Elizabeth High School in Halifax where his daughter Sarah was a classmate of mine. While walking to school along Robie Street, one often encountered Mr. Stanfield walking to work. He was always cordial to the young people. He would turn right on University Avenue or Spring Garden Road and head downtown toward his office at Province House.

Mr. Stanfield perhaps enjoyed his best years as a politician in Nova Scotia. His contributions to the province, at a time when the economic outlook was anything but bright, included leaving our province with an industrial base, something which had, until that time, passed by Nova Scotia.

As Minister of Education, Premier Stanfield also left a lasting legacy. The education system was improved through offering Nova Scotia's students not only a better quality of education but also a better rounded one, serving the needs of all students.

Nearer to my heart, Robert Stanfield initiated the first provincial transfers to universities in Nova Scotia. He also initiated a program whereby the province would pay up to 90 per cent of the costs of university buildings, a great contribution to education and to the future of our province.

Mr. Stanfield's home at the very south end of Robie Street was called "The Oaks." Appropriately enough, it is now owned by an education institution, St. Mary's University, and houses my alma mater's Department of International Activities.

In 1967, Mr. Stanfield left Nova Scotia and contested the leadership of the federal Progressive Conservative Party at its convention. He was successful in this, as he defeated Duff Roblin on the strength of a dramatic fifth ballot victory.

Robert Stanfield's days in Ottawa were not as successful as those in Nova Scotia. The moment of ultimate national success narrowly missed his grasp.

It has been mentioned many times that Robert Stanfield might have been a more successful politician if he had been less considerate of other people and their opinions. I do not know what that says about other politicians, but I do know what it says about Mr. Stanfield. He was a person of outstanding quality who harboured strong personal values and was a man dedicated to his family, his province and his country. His family has my deepest sympathy.

The Hon. the Speaker: Honourable senators, there are approximately four minutes remaining in the time allotted for Senators' Statements. I have on my list the Honourable Senators Oliver, Di Nino, Banks and Rivest.

As well, there are tributes to be paid to Claude Ryan. I will allocate the remaining four minutes to those tributes.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, if His Honour canvassed the house he would find unanimous consent for an extension of the time allotted for Senators' Statements.

The Hon. the Speaker: Honourable senators, the provisions of our rules are clear in that such a request can be made by the whip, which I will take from Senator Stratton. Unanimous consent is required.

Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: I will continue with those senators on my list who wish to pay tribute to Robert Stanfield.

Hon. Donald H. Oliver: Honourable senators, I first met Mr. Stanfield in 1957 in Wolfville where I was a student in history at Acadia University. For the decades that followed, I was

privileged to work with him and support him in a number and a variety of causes. If there is anything positive in any of the principles I exhibit in public life, I have no hesitation in attributing them to the influence Mr. Stanfield had on me.

There is a great deal that could be said about Mr. Stanfield, the statesman, the academic, the lawyer and the premier, but the quality that I think best exemplifies what he means to Canada was his sense of public duty. He personified what is great about people in public service. He always put the state and the people before himself. To him, public service was being able to provide the best that the state can offer to all people, irrespective of their age, race, religion, colour or geography.

Honourable senators, Robert Stanfield also had a common touch and never held himself out to be higher or better than any other Canadian. This is the mark of a true statesman and a great public servant.

Hon. Consiglio Di Nino: Honourable senators, I did not know Robert Stanfield as well as some of my other colleagues on both sides of this chamber, but in the last 10 years, I had a number of occasions to be with him and to get to know the man. I have scribbled down a few words concerning what this gentleman, one of Canada's greatest heroes, represented to me.

• (1400)

He had integrity at the highest level. He had compassion, undoubtedly. He was a visionary. He had a vision of Canada that was fair and balanced.

He was a very principled man, a man who I think will go down in history as someone who taught us, particularly in the political world, how to behave in our responsibilities as public servants.

I will tell honourable senators two tales about Robert Stanfield from my experiences with him. On two occasions in the last few years, I asked him to speak to small groups of young people in my office. He accepted graciously, and he left an impression that I believe will impact these young people in their future endeavours, particularly of what it means to be someone who serves the public.

The other story surrounds a by-election in Vanier, Ottawa. He and I were canvassing on behalf of the Conservative candidate at that time. It was a blustery night, with five to seven inches of snow. We were going down the street, he on one side and I on the other. I knocked on a door and a gentleman answered. Having done this before, I said, "I am canvassing with Mr. Stanfield on behalf of so and so, and Mr. Stanfield is on other side of the street talking to your neighbours." The gentlemen said "Mr. Stanfield? Is he really here?" I said, "Yes. Look. He is over there on the other side." He ran out of his house and over the street to say hello to Mr. Stanfield. I said to him, "Sir! You have no shoes on." In his socks, in a snowstorm, he chased down Mr. Stanfield and stood to talk to him for a couple of minutes.

Honourable senators, this is the man that I knew briefly, not as well as others, and the man that I came to respect and love as a great Conservative and a great Canadian.

[Translation]

Hon. Jean-Claude Rivest: Honourable senators, it is the duty and responsibility of all Quebecers to pay special tribute to Mr. Stanfield. Unfortunately, I never had the pleasure of meeting him. It is rather surprising that two great Canadians, Mr. Stanfield and Mr. Ryan, should leave us in the space of a few short days. As we know, they were close and long-time friends. They saw each other often until just a few months ago.

In tribute to Mr. Stanfield, I would like to speak about his vision and his commitment to Canada's linguistic duality and the defence of minority rights. I would like to lay particular emphasis on his view that the presence of French-speaking Canadians is a significant part of Canada's unique identity.

As a Quebecer, I would also like to point out that Mr. Stanfield was one of the few Canadian political leaders in the 1960s and 1970s who — far from fearing the emergence of a distinct and unique Quebec identity across Canada — saw in the renewed vigour, the modernization and the explosion of values of Quebec and Quebecers a positive component in the building of the Canadian identity. Mr. Stanfield was never afraid of Quebecers standing up and claiming their place within the Canadian federation. On the contrary, in his speeches and in his attitudes, he was always receptive toward the emergence of Quebecers and Quebec society in a way that would enhance the cultural personality of Canada.

That vision, of course, was shared by all the leaders of the Progressive Conservative Party up to Mr. Clark. I hope that the new Conservative Party will take inspiration from Mr. Stanfield's vision.

[English]

Hon. Gerald J. Comeau: Honourable senators, I think most people who have wanted to serve the public in elected office have selected a model to follow during their career in politics. I will not hide mine. He was the Right Honourable Robert Stanfield. I was stamped early with Stanfield — I would almost call it "worship." My dad would take me to political rallies when I was a very young boy. He was trying early on to ensure that I would become a lifelong Tory, and he was quite successful. When I finally decided to put my name up for election, I was asked by the powers that be in Ottawa — Senator Atkins, Senator Murray and LeBreton would probably remember this — who I wanted to campaign with me. In both the 1984 and 1988 elections, my choice was Robert Stanfield. In those campaigns, I was lucky enough to have Robert Stanfield as my principal campaigner. He was a delight to watch on the campaign trail. Anyone who campaigned with him was struck not by his bombast but by the way he related to people. He had a natural ability to interact with and to pick up the concerns of people. He was very genuine.

Earlier, Senator Carstairs indicated that she did not know his wife, Anne, but I had the opportunity to campaign with Anne because she accompanied him on my campaigns as well. I will

never forget the time we were tromping around fish plants in southwestern Nova Scotia. I advised Anne, "Look, you will be walking into a fish plant with lots of fish guts and water will be flowing around on the floor." She still insisted on going into the plants. There was Anne Stanfield with fish guts flowing into her shoes. It was fun to watch. I still talk to her about it every once in a while.

Honourable senators, Bob Stanfield was a giant in many circles. Senator Rivest alluded to his respect for minorities, especially the Acadians in Nova Scotia. He was an inspiration to us at that time, when we were struggling to keep our language alive. Bob Stanfield was ready to back us up. He was a hero when I was a young boy, and he will always be a hero to me and a great model for all of us in elected office.

I wish to extend to Anne and her family my deepest condolences on their great loss, but we will always have the great memories.

[Translation]

THE LATE CLAUDE RYAN

Hon. Serge Joyal: Honourable senators, following the recent death of Mr. Claude Ryan, you will certainly want to express to his family and friends our most sincere condolences, as well as our appreciation and gratitude for his involvement and his determination in defending the Canadian option during one of the most critical times in the history of our country.

Mr. Ryan believed deeply in Canada and in its ability to evolve to ensure the broadest rights and freedoms to its citizens. However, he was also firmly convinced of the special needs of Quebec, and he defended them with a passion.

His involvement in Canadian affairs began in the sixties, during the conference on the Canada of the future.

His greatest concern, and one he never lost sight of, was the foundations on which Canada is built, and how these foundations should be adapted to take into account the differences that characterize Quebec.

• (1410)

There has not yet been an objective and comprehensive study of the evolution of his constitutional views. However, for 40 years, Claude Ryan gave unstintingly of himself, taking a clear and rational position at all stages of the national debate, bringing his own credibility and uprightness to bear in the defence of his beliefs. Those 40 years saw the Victoria charter, in 1971; the Pélipin-Robarts report; the beige paper published under his leadership when he became leader of the Quebec Liberal Party; his powerful speeches during the first referendum campaign, in 1980; the Yvettes movement, in which his wife Madeleine played an active role; the heartbreaking debate within the QLP when the Constitution was patriated; the Meech Lake Accord; the referendum on the Charlottetown Accord; the 1995 referendum; and, more recently, the social union agreement.

We must also pay tribute to Mr. Ryan's unique contribution to the quality of the public debate. He used the full range of his intellect, his great analytical talent, his extensive knowledge of the history of our country and his skills as a writer to explain to his fellow citizens why Canada remains the best option for the society that Quebec and Canada aspire to become.

Mr. Ryan made a remarkable contribution to the democratic life of our country by ensuring that our differences could be reconciled in civilized public debate, in compliance with the rules of ethics and in an atmosphere of respect. Quebec has lost a great patriot and Canada, a true friend. May his example serve as a guide to us in the years to come.

Hon. Gérald-A. Beaudoin: Honourable senators, we have lost a great man, one who has left his mark on religion, on journalism, through his years at *Le Devoir*, and on political life. His accomplishments were many. Intelligent, profound, and well-informed, he left no one indifferent.

On Monday, we heard a tribute on Radio-Canada to Mr. Ryan by 95-year-old Gérard Filion. In his estimation, Claude Ryan's career in journalism was where he was most productive. He praised Ryan's remarkable talent for analysing ideas. He was, without a doubt, one of the great journalists of our time.

Lise Bissonnette described him as fair to a fault, and *Le Devoir* spoke of how he threw himself into every debate. Such was the measure of the man.

The Quiet Revolution in Quebec and the clash of Pierre Elliott Trudeau and René Lévesque in May of 1980 on the national stage had a profound impact. Claude Ryan lived during these times and he left his own indelible mark on them.

A man of faith, a free thinker with an open mind, a man who demanded a great deal of himself and of others, he brought about many changes and encouraged us to reflection. I will never forget our meetings in his office where we exchanged views on constitutional issues and on my numerous contributions on the topic to *Le Devoir* over the years. We had many a discussion on constitutional matters, and he always let me know exactly what he thought.

Claude Ryan left a huge body of written work, and it is perhaps his writings, his books, that will remain in our memory the longest. A man of courage and single-mindedness, of great depth and great talent which he put to good use.

Claude Ryan was a philosopher and a thinker and we thank him from the bottom of our hearts.

[English]

Hon. Jeremiah S. Grafstein: Honourable senators, I rise to pay tribute to the late Claude Ryan. Suddenly, Quebec and Canada have suffered an irretrievable loss: the resonating, meticulous, fair-minded voice of Claude Ryan, an unforgettable Canadian, a thoughtful advocate of Quebec's interests within Confederation and a staunch advocate of Canada.

When history of this era is written, it will paint a prominent portrait and clear a place for Claude Ryan. Many of us bore witness to that era and followed Claude Ryan's opinions with great care. Quebec produced a most remarkable generation, especially five powerful individuals who began as activists, critics and journalists and emerged as powerful political leaders. In the process, these five individuals changed the course of history: Pierre Trudeau, René Levesque, Jean Marchand, Gerald Pelletier and Claude Ryan. All could trace their affiliation to the l'Action catholique canadienne and all were acquaintances, if not friends, and all became antagonists.

Each approached the idea of Canada in different ways. Their internal debate became our national debate, and each was a devout democrat. All five were deeply influenced by two great thinkers: Cardinal Newman, a well-known Catholic philosopher, and one unknown Canadian thinker, Fernand Cadieux.

Mr. Cadieux was born in New Brunswick, settled and worked in Montreal as a teacher, then came to Ottawa in 1968 as a resident thinker in the Trudeau government. Each Wednesday evening, at the bar in the Chateau Laurier, Cadieux would hold forth, with a drink and cigarette in hand and, like Socrates, talk and teach and dazzle his circle of acolytes. Cadieux deeply influenced each of these five famous men with his ideas, which, like Marshall McLuhan's, addressed the clash between the power of the media and the power of politics. The impact of television and radio lie at the heart of his ideas.

Cadieux died suddenly and tragically. Claude and I, as friends, attended his funeral in Ottawa. At the funeral, I asked Claude why French Canadians had not written about Fern and why Fern, who had not left a written record, was not noticed in the French press for his wide and pervasive influence. Ryan suggested that I write such a piece for *Le Devoir*. I told him that my French was not adequate and, therefore, I was not up to the task. "Not to worry," said Claude, "you write it in English, and I will translate it myself and publish it in *Le Devoir*," which he did several days later.

Claude Ryan was interested in and open to ideas but he was unbending in his analyses, unremitting in his opinions, always honest about the facts and always, always a democrat. Canada has lost a great mind and a great Canadian. I regret that we will never see the likes of him and his colleagues of that era, again.

His passing marks the end of an era of great Canadian history. Canada will miss him and so will I.

Hon. Lowell Murray: Honourable senators, my most enduring memory of Mr. Claude Ryan — long before I had the opportunity to make his personal acquaintance — was of him travelling to the farthest reaches of this country for almost 20 years beginning in the 1960s. He visited university campuses, spoke to service clubs, and took part in countless panel discussions on television and radio to try to explain the Quiet Revolution, what was happening in Quebec, and what it meant for the country as a whole.

During this time, he endured questions and comments from his interlocutors that must have seemed astonishing to him, but he answered them directly and sincerely with the patience of a saint, with generosity, kindness and a wonderful sense of humour. In so doing, he made himself a wonderful Canadian interlocutor for the continued existence and harmony of this country.

[Translation]

As a result, he also acquired an in-depth knowledge of Canada in all its diversity. He became a great spokesperson for this country and for Canadian unity and harmony.

[English]

It was with great sadness that I learned of his death the other day.

A couple of months ago, on the occasion of Mr. Stanfield's passing, he sent me a message to be transmitted to the Stanfield family. It was a short but touching tribute in appreciation of Mr. Stanfield's life. A few moments later, there arrived another e-mail from him. He had found one word in the English translation of his note that had been poorly translated. He asked me to please put the original message aside and replace it with this new message. He was fastidious and scrupulous to the end about words and their meaning.

• (1420)

ROUTINE PROCEEDINGS

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

REPORT PURSUANT TO RULE 104 TABLED

Hon. Tommy Banks: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Energy, the Environment and Natural Resources. This report outlines the expenses incurred by the committee during the Second Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 71.)

AGRICULTURE AND FORESTRY

REPORT PURSUANT TO RULE 104 TABLED

Hon. Donald H. Oliver: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Agriculture and Forestry. This report outlines the expenses incurred by the committee during the Second Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 73.)

[Senator Murray]

TRANSPORT AND COMMUNICATIONS

REPORT PURSUANT TO RULE 104 TABLED

Hon. Joan Fraser: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Transport and Communications. This report outlines the expenses incurred by the committee during the Second Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 74.)

STATUTES REPEAL BILL

FIRST READING

Hon. Tommy Banks presented Bill S-11, to repeal legislation that has not come into force within 10 years of receiving Royal Assent.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Banks, bill placed on the Orders of the Day for second reading two days hence.

ABORIGINAL PEOPLES

NOTICE OF MOTION TO ADOPT SIXTH REPORT OF COMMITTEE OF SECOND SESSION AND REQUEST GOVERNMENT RESPONSE

Hon. Nick G. Sibbeston: Honourable senators, I give notice that, at the next sitting of the Senate, I shall move:

That the sixth report of the Standing Senate Committee on Aboriginal Peoples, tabled in the Senate on October 30, 2003, during the Second Session of the Thirty-seventh Parliament, be adopted and that pursuant to rule 131(2), the Senate request a complete and detailed response from the Government, with the Ministers of Indian Affairs and Northern Development, Justice, Human Resources and Skill Development, Social Development, Canadian Heritage, Public Safety and Emergency Preparedness, Health and Industry, and the Federal Interlocutor for Metis and Non-status Indians being identified as Ministers responsible for responding to the report.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY CHAPTER 8 OF AUDITOR GENERAL'S NOVEMBER 2003 REPORT

Hon. Pat Carney: Honourable senators, I give notice that on Friday next, February 13, 2004, I will move:

That Chapter 8, entitled: *Indian Affairs and Northern Development Canada — Transferring Federal Responsibility to the North* of the November 2003 Report of the Auditor

General of Canada to the House of Commons, tabled in the Senate of Canada on February 10, 2004, Sessional Paper No. 3/37-18, be referred to the Standing Senate Committee on Aboriginal Peoples for consideration and report; and

That the Committee submit its final report no later than June 23, 2004.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. Tommy Banks: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Tommy Banks: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

CONSTITUTION ACT, 1867

NOTICE OF MOTION TO AMEND SECTION 16

Hon. Jean-Robert Gauthier: Honourable senators, I give notice that on Friday, February 13, 2004, I will move that:

Whereas section 43 of the *Constitution Act, 1982* provides that an amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province to which the amendment applies;

Now therefore the Senate resolves that an amendment to the Constitution of Canada be authorized to be made by proclamation issued by Her Excellency the Governor General under the Great Seal of Canada in accordance with the schedule hereto.

SCHEDULE AMENDMENT TO THE CONSTITUTION OF CANADA

1. Section 16 of the *Constitution Act, 1867* is replaced by the following:

"16. (1) Until the Queen otherwise directs, the seat of government of Canada shall be Ottawa.

(2) In the seat of government of Canada, any member of the public has the right to communicate with, and to receive available services from, the government of Ontario and the City of Ottawa in English or in French."

CITATION

2. This Amendment may be cited as the "Constitution Amendment, [year of proclamation] (Seat of government of Canada)".

[Translation]

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Maria Chaput: Honourable senators, I give notice that at the next sitting of the Senate I shall move:

That the Standing Senate Committee on Official Languages be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. Maria Chaput: Honourable senators, I give notice that at the next sitting of the Senate I shall move:

That the Standing Senate Committee on Official Languages have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

[English]

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. Donald H. Oliver: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Agriculture and Forestry have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as referred to it.

NOTICE OF MOTION TO AUTHORIZE
COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Donald H. Oliver: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Agriculture and Forestry be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY PRESENT STATE AND FUTURE
OF AGRICULTURE AND FORESTRY

Hon. Donald H. Oliver: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Agriculture and Forestry be authorized to hear from time to time witnesses, including both individuals and representatives from organizations, on the present state and the future of agriculture and forestry in Canada; and

That the Committee submit its final report no later than June 30, 2004.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO CONTINUE STUDY ON DEVELOPMENT AND
MARKETING OF VALUE-ADDED AGRICULTURAL,
AGRI-FOOD AND FOREST PRODUCTS

Hon. Donald H. Oliver: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine the issues related to the development and marketing of value-added agriculture, agri-food and forest products, on the domestic and international markets;

That the papers and evidence received and taken on the subject during the Second Session of the Thirty-seventh Parliament be referred to the Committee;

That the Committee submit its final report to the Senate no later than June 30, 2004, and that the Committee retain, until July 31, 2004 all powers necessary to publicize its findings.

[Translation]

NATIONAL FINANCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO
STUDY CHAPTERS 1-4 OF THE NOVEMBER 2003
REPORT OF THE AUDITOR GENERAL

Hon. Gerald J. Comeau: Honourable senators, I give notice that on Friday, February 13, 2004, I shall move:

That Chapter 1, *Information Technology: Government On-Line*, Chapter 2, *Accountability and Ethics in Government*; Chapter 3, *The Sponsorship Program*; and

Chapter 4, *Advertising Activities*, of the November 2003 Report of the Auditor General of Canada to the House of Commons, tabled in the Senate of Canada on February 10, 2004, Sessional Paper No. 3/37-18, be referred to the Standing Senate Committee on National Finance for consideration and report; and

That the Committee submit its final report no later than June 23, 2004.

• (1430)

[English]

CULTURE OF LIBERAL GOVERNMENT

NOTICE OF INQUIRY

Hon. Marjory LeBreton: Honourable senators, I give notice that on Friday next, February 13, 2004, I will call the attention of the Senate to the culture of corruption pervading the Liberal government currently headed by Prime Minister Paul Martin.

[Translation]

PRIME MINISTER'S TASK FORCE
REPORT ON SENIOR CITIZENS

NOTICE OF INQUIRY

Hon. Marisa Ferretti Barth: Honourable senators, pursuant to rule 57(2), I give notice that, on Friday, February 13, 2004:

I shall call the attention of the Senate to the report of the Prime Minister's Caucus Task Force on Seniors.

OFFICIAL LANGUAGES

BILINGUAL STATUS OF CITY OF OTTAWA—
PRESENTATION OF PETITION

Hon. Jean-Robert Gauthier: Honourable senators, I am pleased to table a petition bearing 1,000 signatures, bringing the total to 23,834 calling for Ottawa, the capital of Canada, to be a bilingual city reflecting the linguistic duality of the country.

A petition is an official request addressed to the Canadian Parliament and must therefore be taken seriously. It is also an instrument that has an impact on the policies and laws of Parliament.

It is high time that the Senate adopted some rules and follow-up procedures to ensure that these petitions receive the serious attention they deserve.

[English]

QUESTION PERIOD

NATIONAL DEFENCE

AUDITOR GENERAL'S REPORT— PURCHASE OF EXECUTIVE AIRPLANES

Hon. Marjory LeBreton: Honourable senators, my question is for the Leader of the Government in the Senate and pertains to the Auditor General's revelations about the government's decision to bypass government regulations and procedures when it purchased two Challenger jets from Bombardier on a sole-source contract basis.

It is clear there was no need for the new aircraft in the VIP fleet. At the time of the \$101 million purchase, the existing VIP fleet was assessed as having a reliability and an availability rating of 99.1 per cent and 99.4 per cent respectively. The Department of National Defence said it had no plans to replace these aircraft until 2010. As the Auditor General stated in her report:

The decision to buy the two aircraft was not supported by the normal analysis and review usual for such a contract. Because of the lack of adequate analysis to support this acquisition, we concluded that the government was not able to demonstrate due regard for economy in this purchase.

The source of that quote is on page 15, chapter 10 of the Auditor General's report.

Why did this government demonstrate such arrogance and lack of due diligence for the rules when it bought the Challengers from Bombardier?

Hon. Jack Austin (Leader of the Government): Honourable senators, I want to begin by raising a question of privilege with respect to the inquiry just proposed. This is my first opportunity. The word "corruption" is unparliamentary, and I would ask that it be withdrawn.

The Hon. the Speaker: Senator Austin has risen on a question of privilege. Privilege is governed by our rules, and the first opportunity to deal with the matter will be tomorrow. The honourable senator should give written notice if he wishes to raise the matter as a question of privilege.

From time to time, requests are made by senators to withdraw. I would give Senator LeBreton the floor, and we will deal with the matter of privilege tomorrow in accordance with our rules and with the proper notice.

Does Senator LeBreton wish to respond? We are in Question Period, and it is her question.

Senator LeBreton: Honourable senators, I do not believe the word "corruption" is unparliamentary, and I would like an answer to my question.

Senator Austin: Honourable senators, the proper phrase should be "alleged," and there is no allegation and no proof. The Auditor General's report can be taken as it is read. The Auditor General raised very substantial issues that are now the subject of an inquiry and procedures in the other place. The RCMP is now dealing with some of the issues.

I gather that Senator LeBreton, by raising her inquiry, would like to defer questions with respect to the Auditor General until we hear the subject matter of the inquiry on Friday.

Senator LeBreton: Honourable senators, that was a nice try. The honourable senator will have to wait until he hears my speech, but that does not preclude him from answering my questions about a serious matter regarding how the government bought two aircraft when the Sea King helicopters are falling out of the sky. I would appreciate an answer to the question about who is the expert in the Privy Council Office who can overrule the Department of National Defence on specifications to buy aircraft.

Senator Austin: I believe the honourable senator would have read that part of the Auditor General's report and would be familiar with the views of the Auditor General and also with the response of the Privy Council Office. If she needs more, I will wait until Friday to hear what she needs.

Senator LeBreton: Honourable senators, in a radio interview this morning, the Auditor General questioned the \$100 million purchase of the aircraft. If the government can spend \$100 million without following due process, she wondered what ordinary, lower level public servants think when they deal with amounts like \$5,000.

I would like to know who in the Privy Council Office or in the Prime Minister's Office had the expertise to make the decision to buy two executive aircraft over the heads of the Department of National Defence, which was against this purchase?

Senator Austin: Honourable senators, I would like to inquire of Senator LeBreton whether her allegation of corruption relates to this particular issue.

Senator LeBreton: Honourable senators, I am not the government and therefore cannot answer the questions. With my inquiry, I intend to deal with many things, such as the treatment of François Beaudoin by the Business Development Bank of Canada, and Jean Carle being hired as the Executive Vice-President of the BDC — Mr. Beaudoin being told to hire Jean Carle, by the way, in a box at a hockey game. Pelletier orders Beaudoin to hire Carle. I have a great deal of material for my speech. It is not in relation to these aircraft.

It is a simple question: Who in the Prime Minister's Office or the Privy Council Office has the expertise to overrule the Department of National Defence when buying aircraft?

Senator Austin: Honourable senators, I am not prepared to answer an allegation of corruption unless Senator LeBreton withdraws that allegation with respect to the purchase of the two Challenger 604 aircraft. I would rather wait until I hear all of what she has to say in this chamber on Friday, and then we will deal with it comprehensively.

Senator LeBreton: Honourable senators, the words I used in my inquiry were "culture of corruption," which are wide-ranging. It has nothing to do — although this is a questionable thing in the Auditor General's report.

I just want a simple answer: How can the government spend \$100 million buying two jets it did not need because the Prime Minister had a frightening little experience when air pressure was lost over Sweden or somewhere? The contract was not tendered and the Department of National Defence was against the purchase. It is terrible that we are buying executive jets when our military personnel are flying around in Sea Kings that are unsafe.

Senator Austin: Honourable senators, I heard the honourable senator start a sentence and not finish it. She said, "it has nothing to do..." Would she mind finishing that sentence?

• (1440)

THE SENATE

LEADER OF THE GOVERNMENT— RESPONSES TO QUESTIONS

Hon. Terry Stratton: Honourable senators, is it the intention of Senator Austin to go through his short, two-month term as Leader of the Government obfuscating like that and refusing to answer questions? I should like to know now.

Hon. Jack Austin (Leader of the Government): Honourable senators, I will take questions addressed to me as Leader of the Government in the Senate that do not carry with them allegations of some form of criminal behaviour. Honourable senators heard me speak to Senator St. Germain yesterday with regard to theft and stealing. This is not the other place. This is a place where I expect comity — not comedy. I expect serious questions, and I will answer serious questions, but not questions based on false premises.

Hon. A. Raynell Andreychuk: Honourable senators, I take the Leader of the Government's point very seriously. However, somewhere in his response to Senator LeBreton, the government leader indicated that he could not answer because there are issues that are subject to inquiry.

If that is to be the case, that the public and this chamber cannot get at those facts because they are subject to an inquiry, will the government undertake not to use the other half of that process to indicate how they are improving the situation, how they are attacking the problem and dissociating themselves from the previous government?

Honourable senators, it cannot go both ways for the government. The government cannot, on the one hand, refuse to answer questions and say that the matter will be dealt with by an inquiry while, on the other, propose solutions that are to the Liberal's advantage and not to the public's advantage.

Senator Austin: Honourable senators, I believe Senator Andreychuk misunderstood my position. I am quite happy to answer questions.

I am not engaging in an either/or process — either questions or inquiries. I believe that both processes are important to the examination of the issues raised by the Auditor General. In answer to Senator LeBreton, I spoke about the process in the House of Commons, in which the Public Accounts Committee will, of course, be dealing with these issues.

My objection relates to one point only — that is, that I am not prepared to answer questions based on a premise that alleges corruption — "the corruption committed by." If that is the position the other side is taking — alleging theft, stealing and corruption — then I believe it takes Question Period in the Senate to a very different plane — a highly adversarial one. I am waiting to see if that degree of adversarial character will be introduced to this chamber. I am happy to answer questions that are questions, not allegations of a criminal nature.

PUBLIC WORKS AND GOVERNMENT SERVICES

AUDITOR GENERAL'S REPORT—SPONSORSHIP PROGRAM—FUNDING FOR POLITICAL POLLING

Hon. David Tkachuk: Honourable senators, the last people who should be the arbiters of what is a moral or responsible question in this place are members of the party opposite. The Leader of the Government is here to answer questions because, in a democratic society, we have the right to know. I was not the one who published the report; the Auditor General published it. It is clear from what she said that there was corruption, fraud and theft.

We are not responsible for what the Auditor General has uncovered; it is Liberals who are responsible. I do not have to put up with this. I will say exactly the same thing, and allege the same thing, as Senator LeBreton.

According to the Auditor General's latest report, the government has also used public money to pay for political polling, including questions on voting intentions and the images of federal-provincial party leaders. While questions other than voting were involved, the total cost of the surveys purchased was in the range of half a million dollars. The departments included the Privy Council Office, the Canada Information Office, Canada Economic Development for Quebec Regions, Canadian Heritage, CIDA, Communications Canada, Justice, DND and Citizenship and Immigration Canada.

The guidelines clearly state that public funds should not be expended on public opinion research concerned with monitoring voting behaviour or party image. Why did the Government of Canada ignore these guidelines and pay for political polling?

Hon. Jack Austin (Leader of the Government): Honourable senators, this government is acknowledging that rules were broken. This government is saying that an inquiry into who broke the rules and the motive for breaking those rules must be undertaken. We must get to the bottom of every issue in the Auditor General's report, and that process of investigation will do so.

To the extent that the rules were not obeyed, there are people who will have to account for their behaviour. At this time, I cannot take you beyond the allegations or statements in the Auditor General's report on that particular subject, but I will take it further at my first opportunity.

Senator Tkachuk: Honourable senators, surely the questions would be asked by politicians. These would not be questions that CIDA would be interested in. These are questions that politicians are interested in. What the politicians have done is corrupted these offices, the offices of the federal government, by using their money to supply political information to the Liberal Party of Canada. Will the government take the necessary steps to recover the costs of the polls from the Liberal Party of Canada or the provincial parties that benefited from information?

Senator Austin: Honourable senators, we as yet do not know whether that information was polled for the purpose of advising politicians or for the purpose of advising public servants so that they could advise politicians.

The honourable senator is again making allegations for which he has no basis. He has the right to ask questions for facts, but he cannot allege, on the basis of anything in the Auditor General's report, that any politician directed that particular activity.

Senator Tkachuk: Honourable senators, is the Leader of the Government telling me that that his government then approves — and I am getting this information from the Auditor General's report — of government departments doing political polling for their own purposes, asking voter-intention questions and getting information on provincial premiers vis-à-vis their political images? Is it the government's policy that departments should be doing this kind of stuff?

Senator Austin: Honourable senators, the answer to that is, no, they should not be doing that kind of "stuff," as the honourable senator says, but the question that was asked was in terms of an allegation that it was directed by a politician. I have no evidence of that at this moment, and neither does the honourable senator.

Senator Tkachuk: Honourable senators, I do.

Senator Austin: Then name the politician.

FOREIGN AFFAIRS

AUDITOR GENERAL'S REPORT—SPONSORSHIP PROGRAM—RECALL OF AMBASSADOR TO DENMARK

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, my supplementary is in the form of a question that is based on a fact and not an allegation. The fact is that the Ambassador to Denmark has been recalled based on something in the Auditor General's report. I should like the government leader to tell us exactly what it is in Auditor General's report that led to the dismissal of the Ambassador to Denmark.

Hon. Jack Austin (Leader of the Government): Honourable senators, as is well known, people who hold diplomatic posts serve at the pleasure of the Governor in Council. That pleasure

has been withdrawn. The reason is the very serious allegations made by the Auditor General with respect to the activities of a group in the Department of Public Works at a time when Mr. Gagliano was the Minister of Public Works. The government has lost its pleasure in having him continue in the diplomatic service because he can no longer be effective as a diplomat when those questions have been raised in domestic polity. We have asked him to return. He is returning. He will be asked to provide his own evidence to the people of Canada at an appropriate time.

• (1450)

AUDITOR GENERAL'S REPORT

SPONSORSHIP PROGRAM— DISMISSAL OF OFFICIALS OF INVOLVED GOVERNMENT DEPARTMENTS AND AGENCIES

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, Mr. Gagliano is a victim of allegations, whereas here, if we bring up allegations, we are said to be "victimizing" the government. There is a little inconsistency here.

There are also allegations in the report against senior officials of various Crown corporations. Why have they not been dismissed?

Hon. Jack Austin (Leader of the Government): Honourable senators, I would not call what is contained in the Auditor General's report with respect to unnamed senior people "allegations." I would say that there are references to the corporations that they head and to activities with respect to the flow of funds to those corporations. However, there are no allegations against any named person at this time. The responsibility for those events has not yet been defined.

Senator Lynch-Staunton: Honourable senators, there are allegations of the misuse of cash and what has been called "money laundering" against the RCMP. Why have officials involved in that not been dismissed?

Senator Austin: I give the same answer, honourable senators.

SOLICITOR GENERAL

AUDITOR GENERAL'S REPORT— SPONSORSHIP PROGRAM—INVOLVEMENT OF RCMP

Hon. W. David Angus: Honourable senators, I rise in the true spirit of comity, something to which the Leader of the Government has referred.

Yesterday, whilst I was returning to Canada from a brief trip abroad, the shocking fallout from the Auditor General's report was already having disturbing negative effects on Canada's once proud image as a nation of upstanding, honest and fully accountable governments. Indeed, as the order of magnitude of this deplorable scandal began to become manifest, frankly, my first emotion was one of shame and embarrassment for my country.

Today, honourable senators, it has become frighteningly clear that we are currently facing the worst and most deplorable political scandal in the history of our nation.

The Beauharnois, the Pacific, and the Petawawa scandals pale beside what we have before us. For me, one of the most troubling aspects of this mess is that even the integrity, the reliability, and the otherwise noble reputation of our once proud national police force has been called into question. The RCMP, the Royal Canadian Mounted Police, the men in crimson, have been impugned.

According to Auditor General Fraser, the RCMP is deeply involved in the scandalous activities surrounding the implementation and rampant abuse of the tainted sponsorship program. Major irregularities in the conduct of the RCMP are detailed in her report. There are even indications that the executive branch of government may well have been using our once proud national police force as a tool —

The Hon. the Speaker: Honourable senators, I ask for your indulgence for a moment.

Honourable senators, in my time at least, Question Period has been largely conducted without interventions by the Speaker. I would hope that can continue to be the case. However, there are rules, which I will not read but to which I will refer honourable senators, which indicate that a brief preamble to a question is in order, after which the question should be put. On the other side of the coin, the rules anticipate an answer that is in keeping with the same brevity of preamble and the same brevity of question.

Senator Angus, your question, please.

Senator Angus: Honourable senators, my question to the Leader of the Government in the Senate is this: What instructions were given to the Royal Canadian Mounted Police during September, October, and November of 2003 by the executive branch of government with respect to proceeding or not proceeding with prosecutions in the so-called Groupaction matter?

Hon. Jack Austin (Leader of the Government): Honourable senators, the answer to that question is none.

With respect to the allegations that Senator Angus has made with regard to the RCMP and its involvement, those statements go far beyond the Auditor General's reference to the RCMP. I want to tell honourable senators that the Auditor General has made clear that while one operating group in the RCMP received funds for the Musical Ride, the investigatory branches of the RCMP are not in any way touched or tainted by the Auditor General's report.

I would ask Senator Angus to be very careful in the way he tries to spread his reasoning — if I may use the word loosely — on this subject.

Senator Angus: Honourable senators, on the advice of counsel, I will proceed.

I acknowledge that the RCMP has refused to acknowledge that there exists a serious problem with the transfer of funds referred to in the Auditor General's report.

The Auditor General must refer all questions concerning the legality of transactions involving the RCMP to the RCMP. In this regard, the Auditor General's report, as honourable senators well know, speaks for itself. In that report there is a serious question with regard to the bias of the RCMP investigating its own conduct. This is a clear and striking conflict of interest.

How does the government justify its apparent and ongoing approval of the authors of the allegedly grievous wrongdoings investigating themselves? Can the government assure us that the conduct of the RCMP will not be whitewashed?

Senator Austin: Honourable senators, the honourable senator's question is hard to take seriously. The government will whitewash no-one in this entire inquiry. At the same time, the government has every confidence in the RCMP, unlike the Honourable Senator Angus, who seems to have serious criticisms of the RCMP, which I believe are unwarranted.

I repeat that a small operating section of the RCMP received funds in ways that are not according to Treasury Board guidelines, as the Auditor General has made clear. However, the investigatory processes of the RCMP are untainted and unchanged and continue to be the same as they were under Mr. Mulroney's government and under any other government in modern times.

As the Honourable Senator Angus knows, and I say this with some emotion, such charges as he is insinuating are totally unfair and unwarranted.

THE SENATE

DISTRIBUTION OF COPIES OF ACTION PLAN FOR DEMOCRATIC REFORM

Hon. Herbert O. Sparrow: Honourable senators, I wish to address a question to the Leader of the Government in the Senate.

Last week, a report entitled, "Ethics, Responsibility, Accountability—An Action Plan for Democratic Reform," was tabled in the House of Commons. It was tabled in this chamber last week as well by the Deputy Leader of the Government. I think I saw the Deputy Leader take a copy of the brochure to the Leader of the Opposition in the Senate. Apart from that, senators did not receive a copy of the report.

When this report was tabled in the House of Commons, all members of the House of Commons received a copy of it. However, until this time as far as I am aware, copies of the report have not been made available to members of the Senate. I ask why that is the case. The Senate is referred to in the report.

My office contacted the office of the Government Leader in the House of Commons, the minister who presented the report. They assured us it would be distributed. It was not distributed. I had to send someone from my office over to his office to obtain the only copy of the report, I now have.

Somewhere, there is some type of contempt of the parliamentary process in that we have not been supplied with copies of this report.

• (1500)

Hon. Jack Austin (Leader of the Government): Honourable senators, I, of course, am operating under the impression that whenever a document is tabled, it is provided to senators immediately. I understand that some senators received it and some did not. I assure the honourable senator that there is no conspiracy to deprive him of documents tabled in this chamber. I will make inquiries with respect to the process of distribution to ensure that this does not happen again. It is the case that we did provide the Leader of the Opposition with a copy, as a matter of courtesy. Again, I can only say that I am truly sorry that the distribution system broke down.

Senator Sparrow: I thank the leader for that answer. When we made contact with the minister's office, they had said that it was not being distributed to senators, but that they would see that it was. In turn, it was not distributed, and we had to send over for a copy ourselves.

Senator Austin: Honourable senators, I had personally asked the house leader in the other place to ensure that all senators received a copy. I will follow the matter.

The Hon. the Speaker: Senator Di Nino.

Senator Carney: You forgot me.

Senator Di Nino: You are on the list, like the rest of us.

Senator Prud'homme: Oh, my God.

Senator Carney: I have a point of order.

The Hon. the Speaker: Points of order cannot be raised during Routine Proceedings, but if you have a point of order, raise it just before Orders of the Day.

AUDITOR GENERAL'S REPORT

SPONSORSHIP PROGRAM— INVOLVEMENT OF PRIME MINISTER

Hon. Consiglio Di Nino: Honourable senators, to the Leader of the Government in the Senate, the words "corruption" and "fraud" are contained in the Auditor General's report — in some areas more often than in others. I think it would be irresponsible — and certainly we would be shirking our responsibility as parliamentarians — if we did not question the choice of words in the Auditor General's report. I certainly would hope that the leader will be prepared to answer the questions, even if they are "touchy"—I cannot think of a better word. We have to do our job. In doing our job, we are referring to the report.

My question deals with the Auditor General's report. I would like to deal with it a little differently. The sponsorship program started in 1997. The man in charge of finances, the government's purse strings, at that time was Mr. Martin. In the spring of 2002, the sponsorship program scandal became public. I believe that

was in May of 2002. Nearly two years ago, this issue came up as a scandal. Again, the minister in charge at that time was Prime Minister Martin.

The *National Post* today says:

The current Prime Minister's personal reputation lies under a black cloud: As minister of finance he either knew that the Canadian taxpayers' money was being wrongfully used and did nothing about it, in which case he was complicit; or he knew nothing about it, in which case he was incompetent.

Surely you are not expecting us to believe that Mr. Martin has had no idea whatsoever, particularly since 2002, when this report came to the fore? Would the leader please answer that question?

Hon. Jack Austin (Leader of the Government): Honourable senators, indeed I will. I thank the Honourable Senator Di Nino for the style of the question. The reality is that the Prime Minister knew nothing of this issue when he was Minister of Finance, nor would anyone expect —

Senator Stratton: So he is incompetent.

Senator Austin: — the Minister of Finance or most ministers to know about this issue.

Senator Lynch-Staunton: He knew nothing.

Senator Austin: The Minister of Finance deals in macroeconomics. The Minister of Finance deals with the allocation of funds. The Minister of Finance is not the comptroller of any department.

Senator Stratton: The Minister of Finance was incompetent.

Senator Austin: The Minister of Finance, like all the other ministers, is the victim of what appears to be a rogue group in the Department of Public Works —

Some Hon. Senators: Shame!

Senator Austin: — operating under their own rules and seeking to deny information, and, as the Auditor General has said, operating in a way which left no paper trail and no record, operating in a way that was in breach of every rule made by government for proper procedures.

Senator LeBreton: They got their orders from someone.

Senator Austin: To be extremely clear about this, no Minister of Finance could be expected to have knowledge in any event but particularly when a group is operating in a way to deny the entire government knowledge of its activities.

Senator Lynch-Staunton: You have to be kidding.

The Hon. the Speaker: Honourable senators, I regret to advise that the time for Question Period has expired.

Hon. Lorna Milne: Point of order, Your Honour.

The Hon. the Speaker: Points of order are not to be raised until we are finished with our Routine Proceedings. I have one point of order from Senator Carney. I will take the honourable senator's and maybe others.

The time for Question Period has expired. Is the honourable senator asking for leave to extend?

Senator Di Nino: I have a brief supplementary. Could I have leave?

The Hon. the Speaker: I am looking to see whether or not there is a request for leave to extend Question Period.

Senator Austin: I apologize to Senator Di Nino, but I have a cabinet committee meeting starting at 3 o'clock. I will be happy to hear his question tomorrow.

Senator Di Nino: Thank you.

POINTS OF ORDER

Hon. Pat Carney: My point of order deals with the conduct of Question Period. When I rose with a supplementary to a question asked of the Leader of the Government in the Senate, someone in the chamber said, "Get on the list like the rest of us." My point of order is that it has not been the custom in Question Period to limit questions, particularly supplementary questions, to just those who are "on the list." I would like to have that point clarified. If it is to be only the people who are "on the list," then the rest of us have very little interest in participating in Question Period and asking supplementary questions on points where we have some personal knowledge.

The Hon. the Speaker: I think I can deal with this, Senator Carney. The understanding of the Chair was that you wanted to put a question. I did not appreciate that you were rising to put a supplementary question. You are quite correct. The practice has been, where possible — that is, where, sitting in the Chair, it can be determined that a senator is rising on a supplementary question — to allow that supplementary question to follow the question that it is supplementary to. In the case of what happened today, I assumed you were rising to put a question and not a supplementary question.

Hon. Lorna Milne: Honourable senators, I rise on a point of order. I believe that the motion made by Senator LeBreton must be struck from the record of this place. I believe that the language used was unparliamentary. It was meant as an insult, and it was meant as a personal attack.

I quote from page 525 of Marleau and Montpetit:

... the use of offensive, provocative or threatening language in the House is strictly forbidden. Personal attacks, insults and obscene language or words are not in order.

This was definitely provocative. It was definitely an insult. I believe that it must be struck from the record.

The words "corrupt" and "corruption" are not normally defined. It is very difficult to define what words can be used and what is unparliamentary language, but I believe that the method in which this motion was raised was very definitely provocative, and it was an insult.

Senator Lynch-Staunton: Good. It is a good motion, then. If it is provocative, it is good.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, there is it no point of order here whatsoever.

Senator Lynch-Staunton: If the shoe fits.

• (1510)

Senator Kinsella: The phrase "culture of corruption" is a perfectly acceptable expression. If the offensive part of the expression, in the minds of some honourable senators, were the term "corruption," I would remind honourable senators that the word "corruption" means, "that which is irregular."

I am looking at the summary document of the Auditor General's report, which was printed in November. On page 1, we find Ms. Fraser uses the word "wrongdoing."

Senator Lynch-Staunton: Shocking!

Senator Kinsella: Ms. Fraser wrote that Government Services Canada "failed to meet its obligation." Throughout her report, she speaks of "irregularity," which means, "that which is irregular." That which is defeating the norm" is the meaning of "corruption." It is a perfectly acceptable term in its ordinary and plain use and, clearly, anyone who knows anything about etymology would recognize the same. Perhaps one is truly dealing with is the recognition of the systemic nature of this legacy that is touching very close.

Hon. Sharon Carstairs: Honourable senators, in respect of the point of order raised by the Honourable Senator Milne, she has taken great exception, as we all should, to a term that has criminal implication. When one is accused of corruption, then one is accused of engaging in criminal activity. There is nothing in the report of the Auditor General — and that is why she was extremely careful in her use of words such as "wrongdoing" — to indicate that there was corruption. To the best of her knowledge, and because she is not a prosecutor, she did not indicate that there was a corruption. Therefore, the words used in this notice of inquiry are, in fact, out of order.

The Hon. the Speaker: Honourable senators, I assume that we are closing the matter and I will go to Senator Milne.

Senator Milne: I would just point out, honourable senators, —

The Hon. the Speaker: Honourable senators, I interrupt Senator Milne, who will be the final intervenor, because Senator Cools has requested the floor.

Hon. Anne C. Cools: Unfortunately, honourable senators, my hearing device has been impaired. I have had it replaced but I have missed portions of the exchange.

I too have been shocked and a little disconcerted by the forcefulness of the language. I could not help but think that the opposition has been overstating its cause or somewhat exaggerating its position, and I understand the reasons for this.

However, in terms of providing guidance to His Honour, the words "corrupt" and "corruption" are not unparliamentary. A term frequently used in parliamentary language that is in the parliamentary lexicon is a "corrupt proceeding." For example, if we were to discover that this particular proceeding had an inherent imperfection or defect, it could be described as "corrupt." That is acceptable.

However, the issue that Senator Austin and Senator Milne are speaking to is the imputation and the underlying motivations being attributed to unnamed individuals. That, Your Honour, is highly undesirable and unwarranted.

In this case, the language is in parliamentary order but is being used to ascribe less than honourable actions and motivation. I have a deep problem with that. It is unparliamentary to make charges that are not supported by evidence. When charges are supported by evidence, then that evidence must be put before the house.

Senators on the other side are being a little hot-headed, very unkind and not very magnanimous. However, lack of magnanimity and kindness do not amount to that which is unparliamentary.

[Translation]

Hon. Fernand Robichaud: Honourable senators, I find that the language used earlier in a notice of inquiry was offensive in its reference to a culture of corruption. It is highly offensive to be accused of corruption, and therefore these words are offensive and provocative. Such language ought not to be allowed in this chamber.

[English]

Hon. Consiglio Di Nino: I think all honourable senators understand the sensitivity of this inquiry. The fact remains, however, that the words "fraud" and "corruption" are used in the Auditor General's report. If we have been listening, we know that these words have been used rather often, especially in the last day or two in the other place. I believe that the actual term "culture of corruption" was used in the other place.

We may agree that for the other side, we would find this uncomfortable and sensitive but to call it "unparliamentary" is incorrect. Certainly the other place has heard that statement and, I believe, more than just once.

Senator Milne: Honourable senators, the Auditor General was very careful in her remarks to not refer to the Martin government, as Senator LeBreton made reference. The words "corrupt" and "corruption" may not in themselves be unparliamentary but

I would suggest that honourable senators read the Oxford English Dictionary, which defines "corrupt" as "morally depraved, wicked, influenced by using bribery or fraudulent activity." I also refer honourable senators to —

Senator Angus: That is far more powerful.

Senator Milne: Once the opposition calms down, I will point out that in the *Rules of the Senate*, rule 51 states: "All personal, sharp or taxing speeches are forbidden."

Some Hon. Senators: Hear, hear!

The Hon. the Speaker: I thank Senator Milne and other senators for intervening on this point of order. I would like to bring the attention of honourable senators to rule 64, which states:

A notice containing unbecoming expressions or offending against any rule or order of the Senate shall not be allowed by the Speaker to appear on the *Order Paper*.

I have listened carefully to the interventions and there are some precedents that I would like to examine before I rule on this matter, which is in respect of a notice. It will, therefore, not come up until the notice time has passed in two days. Were it otherwise, I might try to rule from the Chair. I believe I have two days in this case to bring back a ruling based on my review of what has been said, on the rules and on those precedents.

• (1520)

ORDERS OF THE DAY

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE SUSPENDED

On the Order:

Resuming debate on the motion of the Honourable Senator Trenholme Counsell, seconded by the Honourable Senator Massicotte, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the Third Session of the Thirty-seventh Parliament.—(4th day of resuming debate).

Hon. David Tkachuk: Honourable senators, the Speech from the Throne can best be described by quoting a few lines from it:

...Canadians deserve the best public service possible...

Democratic renewal means that government programs deliver on objectives, that they deliver what matters in people's lives.

— and one of my favourites —

...the government is launching an ongoing process of expenditure review, overseen by a new Committee of Cabinet.

Exciting. Forward-looking. It makes one wonder what the government was doing for the last 10 years when Mr. Martin was the Minister of Finance. It makes one wonder what he will be doing after this Speech from the Throne; maybe launching an ongoing process of expenditures and, perhaps, a review of the ongoing process with the cabinet committee on the best public service possible? There may be a third committee to figure out what matters in peoples' lives as the government delivers these ongoing programs. This is from a politician who has been preparing for this all his life, fulfilling the dream that his father never achieved — becoming Prime Minister of Canada.

The other day I was watching CBC news — more in order to acquaint myself on what the left was thinking rather than to learn anything — when I was confronted with a new crisis in Canada: the demise of our cities. Here were the mayors of Toronto and Winnipeg and Vancouver complaining about the plight of the large cities and how the federal government must come to the table, as they have in the United States since the time of Reagan, with a new cost-sharing program to repair neglected infrastructure.

Was that not the policy of Jean Chrétien in 1993, to get our country back to work? Was that not what I have heard in every federal budget for the last 10 years: huge infrastructure programs? I was thinking to myself, where has all the money gone?

Back in the Department of Defence — which is but a former shell of itself, fat and bloated with bureaucrats, with no money for soldiers and equipment like helicopters and trucks and artillery and machine guns and ammunition — was it not the Liberals who cancelled the helicopter project to save money? Where has all the money gone?

The Department of Indian Affairs and Northern Development gets over \$10 billion a year, yet conditions for the average Indian have not improved. Where has all the money gone? The one minister who tried to bring accountability to the band process is gone, isolated to the backbench. Mr. Nault can barely see over the curtain.

Honourable senators, our Coast Guard is neglected, health care is in crisis and tuition fees are going through the roof. Where has all the money gone?

Mr. Martin is trying to have the federal government intrude into areas such as cities and childcare and education and volunteerism and something called “not-for-profit entrepreneurialism.”

The Speech from the Throne mentioned big programs for Aboriginal affairs:

In order to support governance capacity in Aboriginal communities —

Who writes this stuff?

— and to enhance effective dialogue, the Government will, in co-operation with First Nations, establish an independent Centre for First Nations Government.

The Government will also focus on education and skills development —

Do Indians not go to school?

...this is a prerequisite to individual opportunity and full participation. To pursue this goal, the Government will work with...Aboriginal partners in a renewed Aboriginal Human Resources Development Strategy.

Remember: These are the same people who run the Department of Defence; the same people who run the Department of Public Works; the same people who run Department of Indian Affairs and Northern Development. These are the same Liberals who have caused our problems and they are not the ones to fix them, judging from their record in areas of federal responsibility. They are the last ones who should be talking about any of these policy areas.

While Mr. Martin worries about volunteerism — by the way, I come from the province with the greatest number of volunteers per population of anywhere in Canada, accomplished so far without government help — I have some advice for the cities and for volunteers and for children and for municipalities and for educators: Take the money and run. Entering into a partnership with the Liberals is like the Hotel California; once you are in, you cannot get out.

The Speech from the Throne expressed newness by using the word “new” at every opportunity. As a matter of fact, Andrew Coyne talked about this. According to his computer, the word “new” appears 36 times in a 6,200 word speech. That is about once every 170 words. If you discard every “the” and “for,” the word “new” pops up as the most common word in the speech, after the obligatory “government” and “Canadians.”

I guess it must be true then: This is not the same government with the same policies that has ruled for the last 10 years. It is new, new, new. Andrew Coyne asks the question: Why does it feel so old?

I could not have put it better. I look at the cabinet. We have been told new, new. How new is this government? I wanted to look at who is new, but it is better to look at who is old. Here is the front bench of the Paul Martin government. Of course, there is Paul Martin himself. He would like to consider himself new, but he has been around since 1993 — 11 years. Then there is David Anderson, Ralph Goodale, Anne McLellan, Lucienne Robillard, Pierre Pettigrew, James Scott Peterson, Andrew Mitchell, Claudette Bradshaw, Denis Coderre, Rey Pagtakhan, John McCallum, Stephen Owen and William Graham. This is the new government? This is the old government. It is the same old, tired Liberal gang that has been in government since 1993. The results of that government were shown in the Auditor General's report yesterday, which is as good and as bad a report card as any government has seen in its history.

I have never in my life heard an Auditor General speak in those words, provincially or federally, and neither have any of you. There has never been an indictment of a government like what happened yesterday afternoon. Then we had to listen to this Speech from the Throne about how the government will help volunteers and children — keep away from my children, please — and municipalities and educators.

In the Department of Indian Affairs and Northern Development, there was to be a study and a new agency formed — as if we do not have enough of those already. We have spent \$10 billion per year over the last 10 years — some say it is more, that it could be as high as \$13 billion, but we will take the conservative figure of \$10 billion per year — for approximately 600,000 Aboriginals in Canada. Over the 10 years, that is a potential windfall of \$664,000 for an Aboriginal family of four. Yet our Aboriginals have hardly seen a windfall, never mind any financial benefit. The one minister who tried to bring accountability to the band process is gone, isolated to the backbench.

• (1530)

I am a member of the Standing Senate Committee on Aboriginal Peoples, and I have heard testimony that the money being thrown at the problem is not getting there. It sounds as though the same thing will happen with cities and infrastructure, which is what has happened over the last 10 years. Instead of building sewers and helping the infrastructure of the cities, we have had decorative pieces and fountains put in the Prime Minister's riding.

I have only one more problem with the Speech from the Throne. I come from Western Canada, where we have been experiencing the same thing. The Prime Minister comes to Saskatchewan and says, "My government will be a failure if I do not turn agriculture around in Regina." It is the same old stuff we have heard from Liberals for years.

We have the BSE crisis, falling grain prices, bankrupt farms and people leaving the land, putting up "for sale" signs all over the province of Saskatchewan to get out of the business. We have a forestry industry in trouble because it cannot sell softwood lumber.

There was not a word about Western Canada in the Speech from the Throne, except for two lines on agriculture — nothing about energy, lumber, grain prices, the Wheat Board and the ordinary things that Western Canadians care about. There was not one thing.

Then the Prime Minister says that he will consider his government a failure if he does not turn things around in agriculture. Paul Martin would not know a combine if he saw one, and he does not know how to solve the problem of softwood lumber or any of the problems in agriculture. That is why this government should be defeated in the upcoming election in April or May or June, if he still has the guts to call it.

In fact, the cost of delivering agricultural assistance in Canada is not borne equally by all the provinces, although overall the provinces are carrying a greater proportion of the burden, up to 40 per cent now, up by 25 per cent. In agriculture, the money

farmers receive from their product declined by 4 per cent while the money paid for expenses increased by 10 per cent. Transportation costs have gone up since Paul Martin and Jean Chrétien abandoned the Crow Benefit subsidy in 1995, increasing farmers' transportation costs by \$560 million a year.

The average provincial funding requirement per capita in Saskatchewan is \$127, compared to the \$15 countrywide average. The response of the Martin-Chrétien government to the BSE-related trade bans has been weak and ineffective, reflecting a loss of stature on the negotiation of international trade.

Honourable senators, our Coast Guard is neglected on the West Coast. Health care continues to stagger from one crisis to the other, such as SARS, and yesterday on the news we heard how the country is unprepared for an epidemic. Tuition fees are going through the roof. Where has all the money gone?

The Prime Minister of Canada, Paul Martin, has been caught up in his own irrational exuberance at finally being Prime Minister, demonstrating that while he looked good on paper for the job, he has no plans for the challenges of the future, no plans for the future of the West and no plans for the future of Canada.

The Hon. the Speaker: Honourable senators, before recognizing the next speaker and because our rules indicate that these matters should be dealt with at the next opportunity, I would like to read messages that we have received from the other place.

Debate suspended.

PARLIAMENT OF CANADA ACT

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-4, to amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer) and other acts in consequence.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On the motion of Senator Rompkey, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

REPRESENTATION ORDER 2003 BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-5, respecting the effective date of the representation order of 2003.

Bill read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Rompkey, bill placed on the Orders of the Day for second reading two days hence.

[English]

ASSISTED HUMAN REPRODUCTION BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-6, respecting assisted human reproduction and related research.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On the motion of Senator Rompkey, bill placed on the Orders of the Day for second reading on two days hence.

[Translation]

PUBLIC SAFETY BILL 2002

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-7, to amend certain Acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety.

Bill read the first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Rompkey, bill placed on the Orders of the Day for second reading two days hence.

[English]

LIBRARY AND ARCHIVES OF CANADA BILL

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-8, to amend the Copyright Act and to amend certain acts in consequence.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On the motion of Senator Rompkey, bill placed on the Orders of the Day for second reading two days hence.

• (1540)

[Translation]

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Trenholme Counsell, seconded by the Honourable Senator Massicotte, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the Third Session of the Thirty-seventh Parliament.—(4th day of resuming debate).

Hon. Lise Bacon: Honourable senators, I have a few remarks to make about the Speech from the Throne given on February 2. Its purpose is to outline the government's major priorities and certain measures of particular interest. It provides an opportunity to assess the government's general attitude, its concerns, its priorities and the kind of leadership it wants to exercise.

The present government is motivated by a desire for renewal and a desire to deploy both energy and leadership. In my view, we must not be afraid to show that we have ambitions for our country. We must encourage Canadians to excel, to take up challenges, and to go as far as their dreams will take them. We want to enter the 21st century and build a better country, one that is more prosperous and more caring. We have not forgotten the historical values underlying Canadian liberalism: solidarity, justice and equity, equality of opportunity, tolerance and integration are all part of our road map.

In a country like Canada, known for its diversity, the need for a constant dialogue and close cooperation with the provinces and territories is undeniable. The jurisdictions of each level of government must be scrupulously respected. The new team in government wants to work with the provinces on initiatives that affect their fields of jurisdiction. This is a very good signal to give, if the will to launch a new era in federal-provincial relations is really a priority. The federal government can certainly play a leadership role without losing sight of the autonomy and individual priorities of each province.

Prosperity and the welfare of the whole population depend on a balance between two key factors: social justice, which ensures equality of opportunity and allows everyone to develop fully, and economic development, which generates employment and wealth. These two factors are not contradictory but complementary. The success of Liberalism in Canada can be explained by the historical sensitivity of Liberals to these two facets of reality. The new government wishes to embody the balance between equality and prosperity and in so doing follows in the line of the Liberal tradition in Canada.

There is no denying that Canada is a land of opportunity, a welcoming and open country where promises are realized and dreams come true. We believe in the potential of each individual and we want to give everyone the tools to succeed. If we are bold enough to invest in the latest technology, innovation and top-level research, then we are preparing Canada for the future. When we decide to help children and students, we are ensuring that each person starts off with the same opportunities. We must be bold enough to bet on those who represent our future in order to ensure our prosperity. That is what we are betting on in Canada and it is a winning bet.

It all starts with our communities, large and small. The municipality is our hub, where our families and schools take root and our cultural and social life takes shape. More than ever, our cities must have the means to attain their ambitions and the tools to fully assume their responsibilities. The new deal for cities will help sustain them on the road to success. The full GST rebate and the possibility of a partial gasoline tax rebate are solid commitments that will provide financial resources for local communities to meet their urgent needs. And the needs are real with respect to water, transportation, highways, infrastructure, housing, and so forth. We needed to take action to guarantee a better quality of life and more growth.

As well, we must not forget that our big cities are a door on the world of tomorrow, a springboard to investment and technological innovation, and the perfect place for cultural development. The skill and dedication of local administrations must be acknowledged. They alone can bring about the appropriate changes by assuming the necessary leadership. It is therefore my hope that our municipalities will be even more dynamic and enterprising than before.

In Canada, the First Nations are a source of pride and an integral part of our cultural heritage. They are experiencing difficulties which governments are trying to address. The objective of enhanced governance within the Aboriginal communities is a key one, but it will not be attained through speeches alone. Translating words into action can be difficult and the problems faced by Aboriginal peoples are complex. There is no quick fix. An independent Centre for First Nations Government and an Aboriginal Human Resources Development Strategy are praiseworthy initiatives, and undeniably steps in the right direction. Partnership and full collaboration with the Aboriginal communities must become the norm. Canada is proud of its First Nations, and that pride must always be reflected in the government's attitude and choices.

[English]

Children are our future and the face of tomorrow's society. Ensuring that every one of them has the best opportunities starting out in life is the greatest example of the principle of equality of opportunity. Facilitating better access to daycare services and learning means taking the necessary precautions to ensure that the first years of life are lived in good conditions. Childhood is a decisive period in an individual's development. Our personality is formed very early on, and the environment in which we grow up has an undeniable impact and can influence the rest of our lives.

Another key moment in life comes when we must acquire training that will enable us to fulfil our potential and earn a living. Access to high-quality training, regardless of financial resources, is a pillar of social justice. No one should be prevented by money from getting an education. Motivation and talent must be the only barriers. If we want our best and brightest to emerge and those who want to surpass themselves to succeed, we must take steps to remove all financial barriers to their success.

Canada has already done a great deal for students, but we must be sensitive to increases in the cost of education and the cost of living while students are studying. Problems for those from modest backgrounds are more numerous than generally believed. We must ensure that young people do not start out in life with high debt levels. We must ensure that we catch the wave of the knowledge economy and enable our young people to develop their knowledge so that they are thoroughly ready to live in an increasingly complex world.

The world of tomorrow will require people to speak more than one language. In Canada, we have two official languages, and our level of bilingualism is still too low. Greater value must be attached to learning a second language. In that area, the Action Plan for Official Languages, released last year, will help, as will the efforts of our Commissioner of Official Languages, who must continue her work to increase awareness.

Much remains to be done in the area of linguistic duality and bilingualism in Canada. We must not rest on our laurels. Our challenge will be to convince Canadians of the benefits and advantages of bilingualism.

We must continue our efforts on the environmental-protection front as well. We are prepared to meet the challenge of implementing the provisions of the Kyoto Protocol on climate change. This is a crucial commitment for the environment, the implementation of which will require the cooperation of all Canadians. It is our responsibility to do our part individually to protect our environment. We must not hesitate to release the necessary funds, such as the \$3.5 billion to decontaminate sites and \$500 million to restore them. When we introduced stricter air- and water-quality guidelines, we emphasized our desire to preserve our natural environment.

• (1550)

A few years ago, environmental protection and sustainable development were much in the news. We may have let our guard down on the environment, somewhat, but the fight to protect the environment will require more attention and efforts in the years to come. Soon, we will have to allocate even more resources to achieve pure air and clean water, to fight greenhouse gas emissions and to make the public more aware of the choices it must make to protect our resources.

[Translation]

I would now like to say a few words on democracy in Canada and on our place in the world.

No one can deny that Canada is a democracy that is respected and admired throughout the world. We are the envy of many countries that admire our legal system, our parliamentary tradition and our commitment to protect minorities and individual freedoms. We can be proud of our democratic institutions. But we also recognize that the Canadian parliamentary system is not always conducive to the free play of democracy.

A parliamentarian who is restricted in his or her options by a strict party line becomes a voting machine for government bills without being able to give his own personal views. We must try to give more freedom to parliamentarians and to value their independence. This would definitely increase public trust in our institutions. However, it seems to me that it is necessary to get the Senate involved in the proposed reform and to find a way for it to make a contribution to the reflection on the transformation of parliamentary democracy in Canada.

We all agree that Canada must have greater influence at the international level. Our country can and must play a proactive role in promoting peace, cooperation between nations and multilateral dialogue. We must be a key player in the reform of the United Nations, because we have always believed in the importance of and need for that institution.

We recently undertook a comprehensive review of our international policies. Therefore, this is an appropriate time to reflect on tomorrow's priorities, our diplomatic needs, our approach to development assistance, our international trade strategy, and our security and defence policy. We need an ambitious foreign policy that will allow Canada to regain its position of influence in the world.

Our friendship with our main partner and ally south of the border, namely the United States, is of critical importance. It is essential for us to have a friendly and open relationship with our neighbour. However, this does not prevent us from being independent and from making choices that reflect our values and traditions. We have a duty to promote our values at the international level. Canada must promote freedom, the rule of law, equality, justice and tolerance abroad. I am convinced that our country can serve as a model and a source of inspiration all over the world.

This is the dawn of a new era for Canada. We are facing challenges and must rise to meet them. In these early years of the new millennium, let us be motivated and optimistic, for the future holds much promise. We have the potential, in a country this vast, of immeasurable riches and remarkable human resources. We must take advantage of this and multiply our opportunities. The time has come to roll up our sleeves and work together to move Canada quickly into the 21st century.

[English]

Hon. W. David Angus: Honourable senators, Canadians all across this land have been observing with great interest the early days of the new Paul Martin Liberal government. As this new session of Parliament begins, it appears at first glance that very

little remains from the last session. We have a new Prime Minister, a new cabinet and a new political landscape. However, the program laid out in the Speech from the Throne designed to mark the start of a new government, a new agenda, a new way of working will certainly have a difficult road ahead. I say this, honourable senators, because it has already become manifest that one cannot in fact distinguish the present government from the preceding one.

This is particularly unfortunate, honourable senators, when considered in the light of the passages we find at pages 4 and 5 of the Speech from the Throne under the heading, "Restoring Trust and Accountability." I refer in particular to the following words at page 4:

Democratic renewal must also restore trust. Too many Canadians are alienated from their governments. This must be reversed.

On page 5, it states:

Democratic renewal means that government programs deliver on objectives, that they deliver what matters in people's lives. Canadians expect government to respect their tax dollars. They want to have the confidence that public money — their money — is wisely spent.

With the release of the Auditor General's report yesterday, a swipe of this still wet coat of paint has been wiped right off. It is no surprise that we find the same rusty, hole-ridden and rotter vehicle underneath. Sadly, we find that almost half of the members occupying the front bench are the same faces we saw last session, all part of the old regime. We find the same tired party sputtering the same exacerbated empty promises. We find no new substantial legislation proposed by the government in the Speech from the Throne that was not introduced in the last session.

We see the former Finance Minister, the man who held the power of this country's chequebook for nine of the last 12 years getting comfortable one chair away from his last front row seat. Most notably, the present government carries with it the stench of scandal and spurious irregularities and abuses of power that tainted its predecessor.

Honourable senators, the issue that is now at the top of the minds and at the tip of the tongues of all Canadians, judging from today's national press, both print and electronic, is the sponsorship scandal that has plagued the Liberal regime for three full years now. Canadians' memories are not short when it comes to this sort of abuse. It is now clear and evident from the Auditor General's report that the sponsorship program was little more than an ingenious filtration system designed to filter funds into the decanters of eager Liberal cronies and supporters.

Over \$250 million of taxpayers' money went into this program. Over one third of these funds — almost \$100 million — went to unnecessary middlemen, communications agencies, in the form of fees and commissions, using unusual methods, and I quote from chapter 3 of the November 2003 report:

[Senator Bacon]

...that appear designed to provide significant commissions to communications agencies, while hiding the source of funds and the true nature of the transactions.

As I said, honourable senators, this was in the November 2003 report of the Auditor General and was elaborated on in much greater detail in yesterday's report. I quote again from the November report:

Those responsible for managing the program broke the government's own rules in the way they selected communications agencies and awarded contracts to them.

Further down on the same page, the report reads as follows:

Oversight mechanisms and essential controls at Public Works and Government Services Canada failed to detect, prevent, or report violations.

The Sponsorship Program was purported to be implemented with the intention of raising the federal government's profile in Quebec post-referendum — and they certainly have achieved that, but not in the positive light that was proposed. Instead, we now have an entire nation that cannot and does not trust its government, and with every good reason.

The Auditor General found that senior civil servants "broke every rule in the book" in the running of the Sponsorship Program. She found that the programs were "mismanaged" and "failed to comply with contracting policies and regulations." There was, she said, a lack of transparency in decision-making, little regard for Parliament and for value for money. How can we expect Canadians to trust their federal government when it shows such disregard for its own rules and regulations, its own institution, and especially such disrespect for taxpayers and their hard-earned money?

• (1600)

Now, honourable senators, this government expects Canadians to forget that the same people that turned a blind eye to these reprehensible oversights, omissions and abuses still sit on the government side. Canadians will not forget. This is not an aroma of pollution that can so easily be dispersed.

This so-called "new" government is stigmatized with the shady hue of the past. This is not a problem that any number of public inquiries, statements of disgust or demonstrations of explanations can fix. Not recalling Mr. Gagliano, not appointing Judge Gomery, not appointing Mr. André Gauthier, not amending the regulations, not making changes in the system — none of these things can obviate these abuses.

Honourable senators, although the Speech from the Throne states that this is "the start of a new government, a new agenda, and a new way of working," the reality is that it is not. On the

contrary, the Paul Martin Liberal government simply cannot escape the indiscretions of its past and its ongoing approval of high-handed behaviour.

It seems to me, honourable senators, that the only new part of this third session of the Thirty-seventh Parliament is the brand new official opposition, the government-in-waiting: the Conservative Party of Canada.

Hon. Shirley Maheu: Honourable senators, it is my great pleasure to extend my warmest and best wishes to our colleagues who have been chosen recently to assume positions of leadership in this chamber during the new session of Parliament, as well as congratulations to our new colleagues that have been summoned here since we last met.

Most of you know I am the proud daughter of Montreal. I was born there. I attended school there. I was in business there. My background is anglophone, and I married a francophone. I raised a family there, and I have had the great privilege of being elected to the other place twice by my fellow citizens in Montreal.

My hometown has changed since I was a child. In fact, the change has been enormous. Sixty years ago, the population of Montreal was just over 1 million; now, it is approaching quickly about 3.75 million. There has been an increase of 500,000 in the last 25 years. On balance, most of us would agree that much of the change has been positive and welcome.

Change, however, brings new challenges. The latest Speech from the Throne does address some of these challenges that our great metropolitan centres face. The Speech from the Throne, however, leaves us wanting even more renewal and more initiatives. Canadians seek an urban agenda that goes beyond tinkering. In fact, Canadians want solutions to be fast-tracked, solutions that will lead to real results now.

The Speech from the Throne outline has the mayors of our great municipalities from coast to coast being a little giddy with delight at what they view as a major change of direction in the nature of federal-municipal relations. This has not been an unwelcome response. However, our long-term task will be to convince the municipal governments, and Canadians in general, that our financing initiatives for changing the direction of urban policy will amount to more than mere scraps from the table.

Eighty per cent of Canadians live in urban areas. We now have 30 urban regions bursting with populations of more than 100,000. Urbanization in Canada is galloping ahead currently at an increase of almost 6 per cent every five years. By 2030, more than 60 per cent of the earth's population will live in cities. In just 11 years, by the year 2015, there will be 26 mega-cities on the planet with more than 10 million residents.

In Canada, the urban economy is driving the country. For example, currently 49 per cent of the gross domestic product of the province of Quebec comes from the Montreal urban community. Urban policy must sustain and nurture together this reality.

We should applaud the prospect of the GST rebate as a meaningful shot of adrenalin for cash-short municipal funding, but it is only a shot. Activating the adrenalin in this way is only a short-term solution. The total GST rebate is a measure of relief that is expected to be a mere \$580 million. Canadians are pleased that it will likely be retroactive to the beginning of this calendar year. In the new budget expected shortly, this will be probably the single largest item. However, to stimulate national urban renewal in the broader context of the current multibillion dollar reality of budgets for Canada's major cities, there will have to be much more to our government's urban strategy, and soon.

[Translation]

Canadians are also delighted at indications of talks being held with other levels of government that could result in gasoline tax revenue being shared with the municipalities.

Let us hope it is not too little, too late and urge the future participants in these discussions to take action on this now, because Canadians are looking for results.

[English]

Honourable senators, the government has also indicated that a \$3 billion fund previously set aside over 10 years for infrastructure development will be negotiated quickly with cities and provinces. We Montrealers have not forgotten that in 2002 thousands of our fellow citizens were without water for days due to a major pipe burst. Canadian cities have arrived at a crisis point of infrastructure renewal.

This \$3 billion fund is the basis for cities to shop for financial support from the banks. It is the essential precursor for the planning and production of big-ticket items in our municipalities. Arguably, most of the essential infrastructure in Canada's urban centres is more than 30 years old. Renewal is urgent. Our booming urban economy requires a sound, physical infrastructure. It is the ultimate basis for the creation of employment and the sustaining of confidence.

More than a year ago, the Prime Minister's task force on urban issues conducted a sweeping investigation of the challenges of urban renewal. Among the recommendations was the call for more policy action in the area of affordable housing. Rental vacancy rates for urban areas are very low. Recently, Montreal has been running around a vacancy level of 1.5 per cent. A level that low is a sure recipe for rising rents. It is estimated that close to three-quarters of a million Canadian families pay in excess of 50 per cent of their income on physical space for living. This is a figure of 20 to 25 per cent more than the acceptable yardstick. This high level of accommodation cost is simply not reasonable in a society like ours, where there is abundant wealth.

• (1610)

When you are at the poverty level, paying more than 50 per cent for shelter, what is left for clothing, transportation, and personal necessities, to say nothing of food? Add to this picture the plight of seniors — those who absolutely must live

close to retail outlets and in comfortable and safe neighbourhoods with accessible support services. The Speech from the Throne is silent on the issue of affordable housing. It is also silent on childcare, the homeless and the unemployed. All of these issues speak to the resilience and viability of our cities or the lack thereof.

[Translation]

In Canada, statistics show that the poor are much more likely to live in urban areas than anywhere else. Add to that the additional problems faced by disabled people, single parent families, women, immigrants in general, and refugees in particular, and, of course, the problems we are all aware of involving Aborigines living in urban areas.

[English]

Canadian cities are in direct competition with the great cities of the planet. The creation of a nation's wealth is now a city-centred phenomenon. We are rapidly moving from resource-based wealth to knowledge-based wealth. This is our new reality. Nations will continue to compete with other nations, notwithstanding international trade agreements and a multi-state monetary policy. Not only is it the responsibility of our federal government to provide at least an even playing field for this competition by strengthening our cities, but also it is a real and urgent responsibility.

[Translation]

Our cities have to be safe. Currently, a large number of urban centres do not have enough police officers to properly protect the public.

[English]

Our cities need renewed recreational facilities to channel youth activity, to enhance quality leisure time and to provide stimulation for our rapidly aging population. In 1999, Canadian fertility hit a record low of 1.52 children per woman. It will likely continue to decline. The implications are enormous. Our urban agenda must reflect this trend.

Our cities must be helped to hold down the cost of mass transportation use while at the same time pursuing imaginative renewal. We recognize that our car-oriented culture is the least time- and space-efficient way to get people about. Changing people's established commuting is no easy task for governments. Failure to set in motion new and efficient patterns for commuting will derail the ability of our urban regions to be productive and competitive.

An important aspect of the strength and viability of our cities is what urban planners euphemistically call the "bohemian index." Our cities must be places of vibrant activity. They must be welcoming centres for our artists, musicians, writers, fashion designers and other cultural creators. It is well known that high-tech experts — that very mobile group of innovators — gravitate to centres of stimulation and comfort. Will our cities become

biotechnical learning centres that attract large numbers of the world's leading scientists that will eventually make Canada their permanent home? Will our cities meet the challenges of accommodating all these elements? If they do not and do not address these challenges in partnership with other levels of government, the innovators, in every aspect of human endeavour, will gravitate to cities that do provide whatever is necessary to attract them to cities and to sustain them. We must be certain that our cities attract the best of those from every skill set, from every profession and from every endeavour.

[Translation]

Moreover, honourable senators, the federal government must strengthen and improve its relations with the various cultural communities in order for our cities to become more dynamic, productive and competitive.

[English]

I believe that the strength of our country is directly proportional to our ability to turn our urban regions into centres of learning and knowledge and to provide a world-class urban atmosphere that attracts professional and enhances the atmosphere for research and development.

At the beginning of this new century, the United Nations classified 56 cities of our planet as "world class." Only two of these are Canadian cities — Toronto and Montreal. If we are to expand our wealth and to compete successfully internationally, the urban engine that drives our prosperity must have all the tools to do the job. How many Canadian cities will be on the United Nations' world-class list 20 years from now? Will Montreal and Toronto be able to keep their world-class status? As they say, the jury is still out. We are not there yet in our determination to make it happen. We have much work to do to get there and to thrive. There are some indications in the Speech from the Throne that we may yet get it right.

[Translation]

The division of power between the various levels of government under the Constitution is very often an obstacle to progress. In all honesty, Canadians are not interested in which level of government is responsible for a particular issue. What Canadians want are results.

[English]

Honourable senators, I hope that our new government will consider seriously the prospect of a full-fledged department of the cities. How can we be well served otherwise? How can these challenges be coordinated properly by any other means? The Prime Minister's Caucus Task Force on Urban Issues did a thorough study of this question in 2002. It urged the government of the day to review how the Government of Canada could organize all the divergent elements that must be brought together in an overarching policy framework to protect a successful urban strategy. Canadians are still waiting for such an approach. Canadians hope that our current government will move very quickly in that direction.

Hon. Leonard J. Gustafson: Honourable senators, would the honourable senator answer a question?

Senator Maheu: It would be my pleasure.

Senator Gustafson: The honourable senator lays the problems of the urban centres —

The Hon. the Speaker pro tempore: Honourable senators, Senator Maheu's time for speaking has expired.

Is the Honourable Senator Gustafson asking for leave to continue?

Senator Gustafson: Honourable senators, I would ask leave to continue.

The Hon. the Speaker pro tempore: Honourable senators, is leave granted?

Some Hon. Senators: Agreed.

Senator Maheu: No. Time has expired and I understand that we have to stop now.

The Hon. the Speaker pro tempore: Leave is not granted.

Hon. Wilbert J. Keon: Honourable senators, I congratulate the honourable senator on some novel ideas about urban renewal.

On motion of Senator Keon, debate adjourned.

[Translation]

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Lapointe, seconded by the Honourable Senator Massicotte, for the second reading of Bill S-6, to amend the Criminal Code (lottery schemes).—(Honourable Senator Kinsella).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I would like to support this bill. I agree with this bill in principle because the bill is returning in exactly the same form as in the previous session. It was presented then by Senator Lapointe and referred to committee. I examined the bill yesterday and it is exactly the same as it was before Christmas.

• (1620)

I would like to add a few words based on the situation in our little province of New Brunswick. We also have been able to observe the very negative effects on families of every kind resulting from this social, cultural and economic failure. The problem of slot machines is not found in only one sector but throughout society. It is particularly sad to see the effects on families from the less advantaged socio-economic groups. These

machines are found in little corner stores. Often a father can be seen spending his whole paycheque on these machines in the space of a weekend, and going home with only small change left. This is a social problem as well as a psychological problem.

Some jurisdictions have made efforts to fight the problem. For example, the minister of Health and Wellness has established very special programs to help people with a dependence on these machines.

The bill before us is certainly a step in the right direction in fighting this problem. For these reasons, I support this bill.

The Hon. the Speaker: It was moved by the Honourable Senator Lapointe, seconded by the Honourable Senator Massicotte, that this bill be read the second time. Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: When shall this bill be read the third time?

On motion of Senator Lapointe, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

[English]

REPRESENTATION ORDER 2003 BILL

SECOND READING—DEBATE ADJOURNED

Hon. Noël A. Kinsella (Deputy Leader of the Opposition) moved the second reading of Bill S-7, respecting the effective date of the representation order of 2003.—(*Honourable Senator Kinsella*).

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Senator Kinsella: What was the vote?

The Hon. the Speaker: When I asked, I heard no to the question of adopting the motion. Does the Honourable Senator Kinsella wish to speak to the motion?

Senator Kinsella: What was the result of the vote?

The Hon. the Speaker: There has been no vote.

Senator Lynch-Staunton: It was an expression of approval.

The Hon. the Speaker: I heard from the voices that there was not to be an adoption of the motion, but now that the honourable senator is questioning the procedure, I will proceed in a more formal way, as I do from time to time.

Are honourable senators ready for the question?

Some Hon. Senators: No.

On motion of Senator Rompkey, debate adjourned.

SPAM CONTROL BILL

SECOND READING—DEBATE ADJOURNED

Hon. Donald H. Oliver moved the second reading of Bill S-2, to prevent unsolicited messages on the Internet.—(*Honourable Senator Oliver*).

He said: Honourable senators, September last, I spoke about the need for legislation to deal with spam because spam is a major problem both in Canada and, indeed, around the world. It is basically the practice of sending unsolicited e-mails in large numbers to individuals who do not want to receive them. Oftentimes these messages are sent repeatedly to individuals with whom the sender had no previous contact.

Another way of looking at the scourge is the following: Spam generally means the repeated mass mailing of unsolicited commercial messages by a sender who disguises or forges his or her identity. In preparation for these remarks, I decided to turn on my computer and found unsolicited e-mails dealing with such things as prescription drugs, advertisements for Viagra and getting cheap loans, and promotions in relation to obesity, fraud and pornography.

An analysis of some of the characteristics of spam is as follows: Spam messages are sent in an untargeted and indiscriminate manner. They include or promote illegal or offensive content. Their purpose is fraudulent or otherwise deceptive. They collect or use personal information in breach of the Privacy Act. They are sent in a manner that disguises the originator. They do not offer a valid and functional address to which recipients may send messages opting out of receiving further unsolicited messages.

Here are some of the background facts. More and more people in the world are using the Internet as a means of communication. One database estimates that there are about 700 million electronic mail boxes in the world today and that the number will grow to 1.2 billion by 2005. It is estimated that there were about 31 billion messages sent over the Internet in 2002 and that the number will surpass 60 billion by 2006.

With the growth of Internet and e-mails, there has been corresponding growth in bulk, unsolicited electronic messages. One statistic indicates that as of July 2003, unsolicited bulk-mail volumes accounted for 50 per cent of all e-mail traffic on the Internet, up from just 8 per cent of the traffic in mid-2001.

Last year, close to 60 per cent of all e-mails sent and received were spam. Spam is a problem not only for personal e-mail accounts but for corporate accounts in particular. America Online, AOL, an Internet service provider, blocked 2.37 billion spam messages per day in April of 2003 — per day.

Why should this be an issue to public policy-makers? One reason is the cost. Not only is spam a nuisance, but it uses scarce resources of users and service providers without compensation or approval. It consumes network and computer resources and a great deal of the time of e-mail administrators and help desk personnel. Most of all, it reduces workers' productivity because they have to spend so many hours a week deleting spam.

• (1630)

Honourable senators, a number of research reports are available in which scientists have tracked how much time is lost in spam. Let us say on a weekend that a company receives 100 e-mails of which 60 per cent are spam, and there are 1,000 employees who all take two to three seconds to open it up and look at it. Once they realize it is spam, they have to press delete, and then open up again to go to the next message. They say it takes eight seconds for each of those. They compute the amount of hours per day, per person, per week, per month, per year that a company loses on spam. In Canada, we are now accumulating over \$1 billion in lost productivity just to delete spam.

Many companies around the world have tried to estimate the actual cost in dollars. No particular figure is 100 per cent accurate, but here are some estimates for the consideration of honourable senators. A European Union study estimates that the worldwide cost of Internet subscriptions of spam is in the vicinity of 10 billion euros a year. Other estimates indicate that Spam is costing U.S. corporations alone more than \$8 billion a year.

One group predicts that e-mail spam will cost companies \$20.5 billion in 2003 and nearly 10 times that amount, or US \$198 billion by 2007.

Honourable senators, this is a very serious problem. Not only is it a problem for large corporations and individual Internet users, it is also a tremendous cost to ISPs, or Internet service providers. Here is an example of some of the ways it can become a financial burden for ISPs, both large and small.

The costs include network bandwidth, data storage, staff time, phone line availability, processing costs incurred accommodating and routing excess incoming mail, investments made in filtering technology and legal fees incurred in fighting spammers in court.

As honourable senators can well imagine, if an ISP decides it has found a new piece of software that can block unwanted commercial e-mail, band filters put in place by ISPs may erroneously block no-spam messages, resulting in inconvenience to their customers who may switch providers.

Honourable senators, since I started speaking about spam publicly, I have received hundreds of positive e-mails encouraging me to proceed, saying such things as the following: "Finally someone is taking this on. It is a problem. I am happy to see you are raising the public awareness and that something might be done about it."

According to Ferris Research, the spam costs of U.S. and European service providers are estimated at US \$500 million a year. Other research indicates that the costs to ISPs are 10 per cent of the overhead cost of providing Internet access, which is included in the monthly charge to customers. If they have to spend 10 per cent on costs associated with spam, that does not leave much room for a profit margin.

With this very brief outline of what spam is and how it affects us negatively, what measures are in place around the world to combat it? There are basically four solutions: The first is a technical solution with the use of filters; the second is education and awareness; the third is self-regulatory approaches; and the fourth is legal and regulatory approaches of some countries.

As honourable senators can well imagine, a number of spam reduction measures have been put in place by government, ISPs, ESPs, e-mail marketers, businesses, anti-spam organizations, consumer protection associations, anti-spam solution providers and many others.

Let me first deal with education and awareness. When I met with officials of Industry Canada, they indicated that they were not disappointed with the fact I had introduced a private member's bill because it was having the effect of increasing the users' awareness of the spam problem.

Here is what is behind their assertion: Consumer education and awareness, accompanied by other solutions, may have an important impact on alleviating spam. Not only could awareness turn numerous spam victims who knowingly disseminate their address on public spaces to spammers into spam-free users, but it may also increase e-mail address collection costs for spammers, making spam less profitable.

Education is also a solution that spans geographical borders. Legislation is limited in its ability to protect the user from a foreign spammer, but steps taken by an informed user will help regardless of where the spammer is located.

Honourable senators, Canada now needs a new legal and regulatory approach. There are two kinds of legal and regulatory approaches currently adopted by democratic countries to address spam.

The first approach involves the application of existing laws and regulations, which, though not specific to spam, may nevertheless be implicated by some aspect of spam. For example, laws to protect consumers from deceptive marketing or to prevent the distribution of pornographic images may be applied to spam messages. Likewise, data protection laws of general application could be implicated by spam practices.

The second approach involves the amendment of existing laws and regulations or the creation of new regulations to specifically address spam, and that is the approach that I prefer. That is why I introduced Bill S-23 originally and now Bill S-2.

Honourable senators, it is my opinion that it is time for the Government of Canada to step up and introduce tough legislation designed to protect citizens and ensure that they enjoy the privacy and control over messages that they receive through their e-mail. With this goal in mind, I was prompted to reintroduce Bill S-2.

An increasing number of countries are in the process of introducing and enforcing spam legislation. These countries include South Korea, Australia, England, the United States, Italy and member countries of European Union. In the Organization of Economic Co-operation and Development, 30 nations have tabled guidelines for international cooperation in protecting consumers against spam sent from other countries.

Canada, on the other hand, does not have laws, rules or regulations in place specifically designed to cut down or at least track the source of unwanted commercial messages. Fortunately, this does not mean that Canadians are left completely vulnerable to attack. Part XI, section 430 of the Criminal Code of Canada provides legislation to charge people with mischief if they are caught sending large volumes of spam that interfere with critical computer systems. If convicted on this charge, a person may be sentenced to a maximum of 10 years in prison. However, many of the fraudulent e-mails sent over the Internet emanate from other countries, rendering the investigation and prosecution of these cases very difficult.

Recent jurisprudence may be of assistance. In an Australian appeals case that came before the Supreme Court of Victoria in October in 2000, a New Jersey-based Internet publisher was sued in Australia, not in the United States, for publishing defamatory remarks in his online magazine. The Australian court ruled that the remarks were made within the Australian jurisdiction because that is where the message was downloaded. The ruling recognized that the publication of an e-mail took place at the location it was accessed, even though the sender did not have that place in mind. When the presiding judge came to this decision, the appeal by the New Jersey company was dismissed. This ruling, I believe, is a precedent that makes Canada a forum of convenience. I have a clause such as that in the bill before honourable senators.

With those brief opening remarks, I would like to see this bill go to committee so that a number of witnesses who have indicated they would like to make remarks about the problem of spam have an opportunity to be heard.

On motion of Senator Rompkey, debate adjourned.

• (1640)

PERSONAL WATERCRAFT BILL

SECOND READING—DEBATE ADJOURNED

Hon. Mira Spivak moved the second reading of Bill S-8, concerning personal watercraft in navigable waters.
—(*Honourable Senator Spivak*).

She said: Honourable senators, the Personal Watercraft Bill, Bill S-8, is the same bill — clause for clause, line for line — as

Bill S-10 that was given third reading in this chamber on November 4, 2003, and was introduced in the House of Commons the following week. In light of that, I shall be mercifully short, so as not to bore everyone to tears.

It is virtually the same bill that honourable senators considered in the First Session of the Thirty-seventh Parliament. Bill S-10 was first read on May 2, 2001, almost three years ago. It was then referred to the Standing Senate Committee on Transport and Communications, where it was the subject of two meetings before it died when Parliament was prorogued.

In its second incarnation, this bill was thoroughly examined by our Standing Senate Committee on Energy, the Environment and Natural Resources in six meetings, assisted by the appearance of 19 witnesses. At no time, in almost three years of very public debate, has anyone proposed amendments to this bill — either informally or in formal presentations to your committees. That is not to say that people did not oppose it. There was, of course, opposition, but not amendments. When it came to a vote in committee, members gave it their unanimous approval, for which I am grateful.

This bill also has the demonstrated support of some 78 associations across the country, representing property owners, canoeists, wildlife advocates and others. More than 3,000 Canadians have petitioned the Senate and 2,000 signed petitions to the other place urging its passage. Another 574 took the time to write individual letters and e-mails saying why they need this bill.

This chamber voted in November to send it on for consideration in the other place. It will please you to know that many Canadians have since sent their thanks, including Sheila Riley from Shuswap Lake, B.C., who wrote: "I sometime wondered in the past why we have a Senate in Canada — and now I know why."

As Senator Gauthier very recently pointed out, however, unlike the House of Commons, we do not have rules or procedures to restore bills that die on the Order Paper to their place in previous sessions of Parliament, and so we return a third time to second reading of a bill that has already been thoroughly examined and debated.

It is not my intent to reiterate what has been said twice. In fact it is my hope that honourable senators will agree that it would be a needless use of the limited, valuable time we have in this chamber and in committees to debate it further; that is, it may be debated on second reading but I hope it would not go to committee. I hope we can proceed expeditiously to return it to the House of Commons.

Briefly, I should like to say again that this is a housekeeping bill — a housekeeping bill with important implications for safety on our waterways, for environmental protection and for restoring, in practice, the federal authority over navigation enshrined in our Constitution.

It concerns personal watercraft, also known as Sea-Doos or Jet Skis, and presents a reasonable, measured solution to problems these craft have created on waterways throughout our country for some 15 years or more.

[Senator Oliver]

The solution proposed in this bill is consistent with the Canadian approach to regulating what happens on our lakes and rivers. It allows local knowledge of waterways and the local choice of cottage owners to be factors in setting limits. It allows municipal officials and local law enforcement officials to be part of the process. It allows these people to have a say in deciding where personal watercraft can be used safely and where they are a safety risk or a threat to the environment.

Perhaps equally important, it recognizes that constitutionally, the federal government has sole jurisdiction over navigation and only the federal government can set limits. It allows local communities to have input into setting those limits, just as they now have input — through the boating restriction regulations of the Canada Shipping Act — into setting other limits. For decades, communities have been able to request that the government restrict water-skiing where it is too dangerous or to require permits for boating regattas on quiet little lakes. Bill S-8 sets out a similar process for personal watercraft.

Canadians need this bill and we need this bill. In its absence, provinces and municipalities have grown weary of federal inaction and have passed their own laws to deal with the problems — laws that may not stand on constitutional grounds. If anyone wanted to challenge them, they would not stand. The municipality of Whistler, for example, a site for the 2010 Winter Olympics, just last week added personal watercraft to its noise bylaws. They cannot have Jet Skis there, I believe. Our duty to ensure that the constitutional division of powers is respected in this country is alone sufficient reason for us to pass the bill — a bill that gives local communities a way to deal with their problems while upholding the Constitution.

I am happy to end now. Given the thorough examination this bill has already received in the Senate, and with due regard for the value of everyone's time in this chamber and in its committee, I respectfully suggest, unless there is someone who wishes to speak, that we consider giving Bill S-8 second reading now and that we proceed immediately to third reading, and return this bill to the Commons.

On motion of Senator Rompkey, for Senator Hervieux-Payette, debate adjourned.

USER FEES BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Ringuette, seconded by the Honourable Senator Mercer, for the second reading of Bill C-212, respecting user fees.—(*Honourable Senator Carstairs, P.C.*)

Hon. Sharon Carstairs: Honourable senators, one of the good things about not occupying my previous job is that I now get the opportunity to speak on private members' bills.

This is a bill, honourable senators, that I believe is about transparency and accountability. However, I have serious concerns as to whether this bill actually meets the test that I think the author of the bill had in mind.

Let me begin by a criticism that was raised by Senator Comeau that this bill, of course, contains absolutely no role for the Senate of Canada; it only indicates a role for the House of Commons. I suppose that that would allow us to amend the bill so that we as a chamber have our due and appropriate constitutional role. However, the author of this bill has known about the lack of constitutionality, in my view, for some time. I do not quite know why it was not amended in the other place. If it is a reflection of the fact that they do not understand this chamber in the other place, it seems to me it is about time they did.

I will not, obviously, block the bill from going to committee on that basis alone. I would expect honourable senators to amend it to include the Senate. However, I would suggest that there will be a point in time when we will have to educate members of the other place not to send us legislation that does not include a role for this particular chamber.

However, that and that alone is not my only concern with respect to this piece of legislation. One of the articles of the bill, section 4(c), asks for an impact assessment to be conducted each time there is a fee to be raised. I want to know what the cost of that will be. If, for example, the fee that is to be imposed bears a close relationship to cost of living, then does it make sense to have public servants do an impact assessment study that could, in fact, end up costing more than the increased revenue that will be generated by this user fee?

• (1650)

Therefore, I hope the committee will study carefully just what the cost of these impact assessments will be and whether there should be an amendment to provide for a fee that bears some relationship to the cost of living, if such a fee were allowed to go forward without all the restrictions that are placed in this particular piece of proposed legislation.

Another aspect of Bill C-212 that I wish to speak to deals with clause 4(3). This was another issue raised by Senator Comeau. It is one that I think requires a great deal of further study. Clause 4(3) reads as follows:

If the amount of user fee being proposed by the Minister pursuant to subsection (2) is higher than that existing in a country that is one of Canada's major trading partners, the Minister must as part of the proposal being made give reasons for the difference.

Honourable senators, I have a problem with that. I do not think we make policy in this country based necessarily on what our trading partners are doing. I think we make policy in this country based on what is in the best interests of Canadians. If it is in the best interests of Canadians not to have fees that are out of sync with fees imposed by other trading partners, then so be it. However, to make it a part of the proposed legislation gives me cause for concern.

If we were to take that kind of attitude, would we say about our health care policy, "We will compare it with what our major trading partners do, and we will adopt the system that is used in the United States of America"? I hope not.

To have a clause of this bill specifically deal with that issue causes me a great deal of concern. Quite frankly, I simply do not consider it the Canadian way.

In terms of the basic tenet of the bill, how can one argue with the concepts of transparency and accountability? How can one argue that departments on occasion propose user fees that are disproportionate? How can we argue that the House of Commons and the Senate should have an opportunity to look at user fees? However, perhaps one should examine this piece of legislation with the idea of a disproportionate user fee.

The department responsible for parks did not impose additional user fees in Banff National Park, for example, for years and years. When they were imposed, there was no relationship between the services an individual was receiving and the fee the person was paying. It ended up being so disproportionate that it was an unfair burden. If that is what this bill is attempting to address, then I say good for this particular piece of legislation. However, if the only thing it serves to do is add to the bureaucracy, which, frankly, is already overburdened with some of these concepts and ideas, then, no, I do not think it is a good idea.

I know that the National Finance Committee has had this proposed legislation before. I know the committee has heard witnesses. I encourage the committee to continue in that regard. I certainly do not wish to stall the bill at second reading stage.

Senator Kinsella: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Ringuette, bill referred to the Standing Senate Committee on National Finance.

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Kinsella, for the second reading of Bill C-250, to amend the Criminal Code (hate propaganda).—(*Honourable Senator Cools*).

Hon. Tommy Banks: Honourable senators, the legislation proposed by this bill is long overdue. I do not think any honourable senator would demur from the opinion that legislation must be put in place that will protect persons from persecution, abuse, discrimination or any other scurrilous thing on account of their sexual orientation.

I want to call the attention of honourable senators, however, to a concern I have with respect to the section of the Criminal Code under which this proposed inclusion would be made. It is section 318 of the Criminal Code. Section 318 of the Criminal Code deals with genocide and says so in its title.

Section 319 of the Criminal Code also deals with crimes of violence, not necessarily related to genocide. While unequivocally support a Criminal Code provision that would make it an offence to harm or discriminate against an identifiable group, very much including a group identifiable by its sexual orientation, we should give consideration to this matter being dealt with in section 319 rather than section 318 of the Criminal Code.

I am not a lawyer, as I think I make evident from time to time however, I can read English. It seems to me, in reading section 318 and 319 of the Criminal Code — which, unlike other sections are quite simple — that if a person were charged with having committed an offence against victims identifiable by their sexual orientation, and if that person were to be prosecuted under section 318, as is proposed in this bill, that prosecution would be more difficult.

I say that because it is possible, I think, that that section, since it deals with the advocacy of acts that would lead to genocide would make such a prosecution more difficult. Successful prosecution would require proof beyond reasonable doubt that the advocacy that led to the charge was of acts that would result in the killing of members of that identifiable group, or of the infliction of conditions calculated to bring about the physical destruction of that group. Those are the words — in paraphrase form — found in section 318 of the Criminal Code.

I believe that most harassment, discrimination and crimes of violence against persons of identifiable sexual orientation fall short, at least in many cases, of being proved to meet that test. When actions get into capital crimes, the sexual orientation or other identifiable feature of the victim becomes beside the point.

On the other hand, section 319 of the Criminal Code covers the incitement of hatred, including that which would likely lead to a breach of the peace, which includes violent crime of any kind. I believe that that level and burden of proof and threshold, if I can put it that way, is what is necessary to provide the protection of persons of various sexual orientations. Harassment and other scurrilous acts, including violence, could more likely be successfully prosecuted under section 319 absent the connection with genocide, than they could be in section 318 with the onus of genocide. Section 319 more cogently relates to the offences which are most often and most likely to be visited upon persons on account of their sexual orientation, because it requires only that the incitement of hatred would be likely to lead to a breach of the peace without the connection of genocide.

• (1700)

Since section 319 defines "identifiable group" as having the same meaning as in section 318, and since this proposed bill would amend the Criminal Code by adding sexual orientation to the definition of identifiable group in section 318, I believe that we, along with the committee to which I presume this bill will be sent for study ought to consider an amendment to the bill that would restate the definition in its entirety in section 319, rather than referring to the list of identifiable groups in section 318, with the addition to the list of sexual orientation. I believe that that simple addition to that list in section 319 would bring about the desired result, the desired protection and the existence and creation of the desired offence. I hope that senators will, in our deliberations, consider that view.

Hon. David Tkachuk: Honourable senators, I have a question. What the honourable senator said was interesting. Would pedophilia be a hate crime? Should it be placed under section 319? Would pedophiliacs be considered a group that would be identifiable?

Senator Banks: I have no idea whether pedophilia is regarded as sexual orientation. I have not ever considered that question. However, both sections 318 and 319, as I understand the intent of this legislation, do not intend to make any sexual orientation a crime. What is addressed is the incitement of hatred against persons of an identifiable group.

My off-the-cuff response to your question is that I think that persons, for example, of homosexual orientation can be reasonably described as an identifiable group. I doubt very much, however, that pedophilia could be identified as a sexual orientation.

Senator Tkachuk: Would the advocacy of pedophilia be considered in the same way as the advocacy against homosexuality?

Senator Banks: This bill does not talk about advocacy of anything except the incitement of hatred against people. That is the intent of this bill. It is the incitement of hatred that this bill seeks to make a crime. I absolutely agree that the incitement of hatred against identifiable groups ought to be made a crime. This bill has nothing to do with advocating anything.

I hope the honourable senator opposite is not suggesting that homosexuals are pedophiles. Please.

Senator Tkachuk: No. I was drawing a comparison. I was asking if you advocate hatred against pedophiles. We have this problem of pedophiles being released into communities after they have completed their sentence. They are a group of people. There are a lot of people who do not want them to live in their community and who want to chase them out, even though they have paid — according to them — their dues. Should they be put in the Criminal Code as a protected group as well?

Senator Banks: If someone were prepared to bring a bill suggesting that the incitement of hatred against pedophiles should be included as a crime under the Criminal Code, then it would be up to Parliament to decide whether or not that would be proper. I doubt very much that such a bill would succeed, however.

Senator Tkachuk: Tell me what the difference is, then.

Senator Banks: The difference is that pedophiles are not an identifiable group.

Hon. Joan Fraser: Honourable senators, I have a supplementary on this point. Would you agree with my quick analysis here that the previous discussion confused categories? Homosexuality is sexual orientation. Every human being has a sexual orientation. Basically you are homosexual or heterosexual.

Senator Banks: Or neuter.

Senator Fraser: Or maybe neuter.

We are basically talking about universal types of categories. Pedophilia is an illness, like paranoia or schizophrenia or kleptomania.

Senator Banks: It is also a crime.

Senator Fraser: Indeed, as is stealing, and as is murder, which some schizophrenics or people who suffer from an illness may commit. Do you think I am drawing an appropriate distinction here in setting it up that way and, therefore, in saying that it is irrelevant to talk about inciting hatred against people who have a mental illness? It is a whole separate argument and nothing to do with the content of this bill.

Some Hon. Senators: Hear, hear!

Senator Banks: In answer to the question, I think that the distinctions between pedophilia on the one hand and homosexual or any other sexual orientation on the other would fill an encyclopaedia.

Hon. Lowell Murray: Honourable senators, I have one question. To come back to the main point of my friend's speech, I do not have subsections 318 and 319 of the Criminal Code in front of me, but is the honourable senator suggesting that this bill would place sexual orientation on a different plane, in terms of the protection, than gender and race and the other identifiable groups?

Senator Banks: No. I am suggesting that in the Criminal Code, as it presently exists, the list of identifiable groups to which the present bill seeks to add the term "sexual orientation" exists only in section 318. Section 319 — and I made in my speech what I think is the distinction between those two — says that in this section, identifiable group means the same thing as it does in section 318.

My suggestion was that rather than adding sexual orientation to the list in section 318, which deals, if I read it correctly, with the incitement of crimes which would lead to acts of genocide, that section 319, which deals with incitement of hatred which would lead to breaches of the peace — which could include any number of things, could more effectively — in respect of the likelihood of the success of prosecution, which would then be absent the onus of genocide, be achieved by restating the list of identifiable groups. In other words, sexual orientation would be on the same list as purple with green polka dots and grey hair, and race, gender, et cetera.

• (1710)

Hon. Sharon Carstairs: Honourable senators, I want to put a few words on the record in respect of this proposed legislation. I do not agree with my colleague that the amendment should be moved from section 318 to section 319. I think section 318 is the appropriate place for this amendment and for the list of other groups included in it.

As many honourable senators know, in my earlier life I spent 20 years teaching at the high school level. It is one of the saddest occasions to hear voices calling from the back of a classroom, "fag, homo, lesbo." So often, I discovered, the accusations were made without any understanding of the words. Sometimes the young people to whom the words were directed could not possibly have been part of the target group. In some cases, they were young people simply struggling with who they were. On occasion, they were young people who had already determined their sexual orientation.

In my view, it is a hate crime to discriminate against one of our fellow human beings because of their sexual orientation. People are what they are. That is as much the essence of what they are as any other of their characteristics. Over the years we have listened to so-called experts who say that a young person, or an elderly person for that matter, can change his or her sexual orientation; but they cannot change because it is part of what they are. We have heard from experts from churches say, "If they would just pray a little harder, that would work." It does not work because it is what they are.

Honourable senators, Bill C-250 is long overdue. I would urge the house to send it to committee for the examination of what Senator Banks has placed before us. Just because I do not agree does not mean that others do not agree. Some senators may believe that Senator Banks' proposal would be a good thing, but let us not delay any further. Let us send it to committee. Let us debate this issue. Let us bring equality to all Canadians.

Senator Banks: Would the senator accept a question?

Senator Carstairs: Yes.

Senator Banks: We are talking about creating crimes out of these hideous and scurrilous actions. They should be crimes and they should be prosecuted. Does the honourable senator think that there would be any fewer hate crimes by the prohibition of them or if the creation of an offence to commit them were in

section 319 rather than in section 318, both of which deal with incitement of hatred?

I restate, before the honourable senator answers, that I agreed with everything she said. It is a hate crime. I believe that the likelihood of success in prosecution is greater for a hate crime described in section 319 than for one described in section 318. Is there a difference between the level of hate that would be seen in section 318 and section 319?

Senator Carstairs: Senator Banks, section 318 is the stronger of the two sections. That is most important in this instance. Obviously, crimes should be prosecuted to the extent of the wording in that particular section. I want this particular hate crime, as with other hate crimes, to be given the full weight of the law. I think that could happen only if they are applied to section 318.

Hon. Anne C. Cools: Honourable senators, I was listening with some care to Senator Carstairs' description of how painful it was to hear children using cruel expressions and describing others as "lesbo" or "fag." I believe that insensitivity and cruelty are undesirable and never to be countenanced. I would ask Senator Carstairs if she was suggesting that children who use such language should be prosecuted and that the force of the Criminal Code should be used against them?

Senator Carstairs: No. As the honourable senator knows, I am a strong believer in the young offenders legislation, and I do not believe that young people should have full prosecutorial law used against them. I believe that when dealing with a young offender we should do so with the goal of education rather than punishment.

However, it has been my experience — perhaps not shared by others — that this behaviour begins in childhood with such actions as name-calling, which then escalates into bullying, which then becomes violent action when they reach adulthood.

Senator Cools: Honourable senators, I was talking about the force of the Criminal Code being used to discipline people and children who may be insensitive and who may be sometimes cruel in their use of speech.

It is my understanding of Bill C-250 that the mere use of those terms in any insensitive way does not constitute a hate crime. My reading of the bill is quite different. In point of fact, hate crimes are very rare. I know the history of these hate crime sections, sections 318 and 319. They are intended to deal with situations such as Senator Banks mentioned when he likened them to serious matters of inciting hate and violence against a group of people.

Could Senator Carstairs come back to the schoolyard-bullying phenomenon or to the schoolyard insensitivity situation? If Bill C-250 were to be used as Senator Carstairs is hinting — as a force against children — then we had better think about this seriously. Children do silly and insensitive things. I do not believe that the intention of Bill C-250 is to capture minor actions. It is my understanding that the bill is in respect of the mistreatment of

homicide of groups, groups facing mass hatred and hurtful actions and that the bill is to include sexual orientation in those groups in the crimes of genocide and hate crimes. I am shocked at what I have heard, although I have heard it said before when Senator LaPierre spoke to this issue at another time. It must be clarified today whether Bill C-250 is intended as a wicked force against children.

• (1720)

Senator Carstairs has made enormous claims. Could the honourable senator give us some evidence for some of her claims?

Senator Carstairs: I think the honourable senator, with the greatest respect, has put words in into my mouth.

Let me reiterate what I said just a few minutes ago. Children learn, unfortunately, from adults. They begin to practice, unfortunately, the language that they learn and the attitudes that they learn, often through the use of unacceptable vocabulary, in my view. No one is suggesting that the full force of the law will be used against someone who makes that kind of accusation. However, I would hope that, by amending section 318, adults might learn the unacceptability of violent acts and that, through their punishment, children would learn the unacceptability of violent acts — because this is what we are talking about here. Also, because they learned that such an act was violent, they might also learn a little bit about what they speak when they make those kinds of accusations and use that kind of language in school situations.

Some Hon. Senators: Hear, hear!

Senator Robichaud: Question!

Senator Tkachuk: I move the adjournment of the debate.

The Hon. the Speaker: Is it your pleasure, honourable senators to adopt the motion?

Some Hon. Senators: No.

Hon. Terry Stratton: Your Honour, may I say a few words? I know of three or four individuals on our side who should like to speak to the bill. We have heard the speeches of Senator Banks and Senator Carstairs. Surely to goodness, you would allow this side to have a response. Why would you not allow that? Tell me why.

[Translation]

Hon. Fernand Robichaud: Honourable senators, it is not a question of preventing anyone from speaking. We need to keep in mind that we had this bill before us during the previous session, and it was on the Order Paper for some time, thereby allowing any honourable senators wishing to speak on it to do so. If, however, we are to accept adjournment today, we would have to expect all those wishing to speak to do so within a reasonable

length of time so that this will not be used as a means of deferring the bill and preventing it from being considered before this session is prorogued.

[English]

Senator Cools: Honourable senators, since it seems to me that we have an alternative leader in our midst, I am wondering if I could have an explanation in respect of Senator Robichaud's statements. Who are the "we" of whom he speaks? My clear understanding was that this bill was a private bill. In this chamber, "we" and "they" usually refer to the government and to the opposition. I am trying to find out exactly the role that Senator Robichaud is playing here.

I observe that Senator Robichaud has not spoken to the bill and has not said that he intends to speak to the bill. It is clear that he has not adopted a position on the bill yet. However, he is acting as some sort of pseudo-leader in terms of guiding the debate. Could I get that clarified, Your Honour?

The Hon. the Speaker: Before we proceed further, we had a motion. As I was about to put the motion in a formal way, Senator Stratton rose, I thought, to deal with a matter of house business. It is a bit unusual for a senator other than the deputy leader or whip to participate in that way. I let it proceed because I thought Senator Robichaud wanted to have something to say. However, in the strict adherence to our practices in these areas — which are not really covered by our rules — such an exchange is probably is not in keeping. Senator Robichaud was probably not entirely in order in dealing with the house business in response to someone who is traditionally involved in such matters, namely the whip.

At this point, if there were other interventions by house leaders or whips, I would hear them. Otherwise, I am obliged to go to the question.

Senator Cools: Honourable senators, since my house leader is not speaking for people on this side who wish to speak to the bill — and I really do not understand this rather peculiar situation — and if Senator Robichaud wants to speak to the bill, I would love to hear him. However, what I would like to say, honourable senators, is perhaps our house leader could clarify whether there are other senators on this side who wish to speak —

The Hon. the Speaker: Honourable Senator Cools is right. We find ourselves in a peculiar situation. As presiding officer, I allowed us to get into that situation and, as presiding officer, I have an obligation to see that we do not get into an even more peculiar situation. That is why I intervene to say that we must deal with the question, subject to a brief intervention by those responsible for house business if they wish to intervene.

Hon. Bill Rompkey (Deputy Leader of the Government): Your Honour, this is not a government bill. There is no onus on the government side. This is a private member's bill. The proper procedure would be for those who are sponsoring the bill in the Senate to take some action.

Your Honour, you have called the question. My position is that the chamber should decide the question. This is not a government piece of legislation. It is a private member's piece of legislation; therefore, it must be dealt with as such and not as government business. That is why, Your Honour, I did not intervene. It is up to the chamber to decide what to do in this case. You have called the question. I suggest that the question be put and let the senators decide.

The Hon. the Speaker: Honourable Senator Rompkey is quite right. I think that ends it, Senator Stratton. There is no desire on the part of the house leadership, even beyond this private member's bill, to discuss it as house business. That is the only exception we have. I will now put the question.

Senator Stratton: May I speak, Your Honour?

The Hon. the Speaker: No, I am sorry. I have been chastised quite properly for allowing this to go too far. I will put the question.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Would those in favour of the adjournment motion put by Senator Tkachuk please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Would those opposed to the motion please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: It is a one-hour bell.

Call in the senators.

Senator Rompkey: Your Honour, would it be possible to defer the vote until tomorrow?

The Hon. the Speaker: Honourable senators, we have put a vote. We have a division on the vote. Our procedures are that we now divide. The time for senators to come to the chamber under our rules is one hour. The bells are ringing.

• (1830)

Motion agreed to on the following division:

YEAS THE HONOURABLE SENATORS

Adams	Gustafson
Atkins	Johnson
Banks	Keon
Beaudoin	Kinsella
Buchanan	Lavigne
Christensen	LeBreton
Cochrane	Lynch-Staunton
Comeau	Merchant
Cools	Murray
Corbin	Phalen
Cordy	Sibbeston
Day	Sparrow
Downe	Stratton
Ferretti Barth	Tkachuk
Finnerty	Trenholme Counsell
Fraser	Watt—32

NAYS THE HONOURABLE SENATORS

Bacon	Losier-Cool
Baker	Maheu
Biron	Mahovlich
Carstairs	Mercer
Chaput	Milne
Cook	Moore
Fairbairn	Morin
Furey	Munson
Graham	Nolin
Harb	Pearson
Jaffer	Pépin
Joyal	Ringuette
Kirby	Robichaud
Kroft	Rompkey
Lapointe	Smith—31
Léger	

ABSTENTIONS THE HONOURABLE SENATORS

Gill—1

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, our rules are clear that when a vote is in process and the process ends between 6 o'clock and 8 o'clock, it is in order. However, we now must agree unanimously to see or not to see the clock.

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I think there might be general agreement that we not see the clock.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: There may be an objection. Senator Cools?

Hon. Anne C. Cools: Honourable senators, I would like to know what business we have before us. Perhaps the deputy leader could tell us.

Senator Rompkey: Honourable senators, if we sought consent for the standing committees to sit while the Senate sits, we might find consent.

The Hon. the Speaker: Is it agreed that committees are authorized to sit notwithstanding that the Senate is now sitting?

Hon. Senators: Agreed.

Hon. Herbert O. Sparrow: Honourable senators, why are we not seeing the clock? Is there some business to be undertaken?

Senator Kinsella: We have to stand the remaining items on the Order Paper.

Senator Rompkey: Your Honour, I think you might find agreement to stand all the other items on the Order Paper until tomorrow.

Senator Sparrow: Honourable senators, I did not hear that. Are all items being adjourned? We might as well see the clock then.

The Hon. the Speaker: The first matter we must deal with is that we are out of order if we proceed to deal with items between 6 o'clock and 8 o'clock, unless there is agreement not to see the clock. I asked if there was agreement, and I heard there was. Senator Cools rose, and I was wondering if she rose to withhold unanimous consent not to see the clock. She is shaking her head.

Senator Cools: I was rising to inquire from the deputy leader how long we will not be seeing the clock.

The Hon. the Speaker: First of all, it is agreed that we not see the clock, honourable senators.

We are now back to business. We will return to where we were. Perhaps Senator Rompkey could rise and make his suggestions.

Senator Rompkey: I think we could get consent to stand all the remaining items on the Order Paper until tomorrow.

The Hon. the Speaker: Is it agreed, honourable senators, that all the items on the Order Paper stand in their place and stand adjourned until tomorrow?

Some Hon. Senators: Agreed.

Senator Cools: Honourable senators, I understood Senator Rompkey to say he would move a motion that committees be allowed to sit. It is done? I did not vote on it.

The Hon. the Speaker: It is no longer necessary to move such a motion because if the Senate is not sitting, the committees can sit.

Is it agreed honourable senators, as I said a moment ago, that we stand all remaining items in their place on the order paper until the next sitting and that we adjourn?

Hon. Senators: Agreed.

The Senate adjourned until Thursday, February 12, 2004, at 1:30 p.m.

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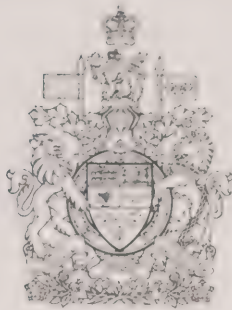
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OFFICIAL REPORT
(HANSARD)

Thursday, February 12, 2004



THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Thursday, February 12, 2004

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

TRIBUTES

THE LATE HONOURABLE MARGARET JEAN ANDERSON

The Hon. the Speaker: Honourable senators, I have received a letter under our rules requesting that time be provided today as added time to Senators' Statements for purposes of paying tribute to the Honourable Senator Margaret Anderson, who passed away on December 8.

Hon. Eymard G. Corbin: Honourable senators, the Honourable Margaret Anderson passed away on Monday, December 8, 2003, at the age of 83. She was laid to rest on December 12 at Miramichi, formerly Newcastle, New Brunswick.

There are some of us here still who have fond memories of Senator Anderson from the time of her appointment by the Right Honourable Pierre Elliott Trudeau on March 23, 1978, to her retirement in the summer of 1990.

Margaret Jean Anderson was born August 7, 1915, at Burnt Church, an historical locality antedating the War of Conquest — which explains the event that was at the origin of its name. Burnt Church continues to make history to this day, certainly as concerns the native fishery.

However, Margaret Anderson spent most of her active life in Newcastle. She was President of W.S. Anderson and Company Ltd., a lumber enterprise. Her father, W.S. "Staff" Anderson had been a minister for 17 years under two premiers in the provincial cabinet. It was only natural for Margaret to involve herself wholeheartedly in the party, serving as President of the New Brunswick Women's Liberal Association and on the women's commission at the federal level. That, however, did not take away from her many community activities.

There were few women in the Senate at the time of her appointment — so few that every new arrival was assured of press coverage at the national level. Indeed, she pointedly observed in an interview at the time the need for more women in the Red Chamber. Today, if she saw the result, she would probably say that there is still room for improvement.

Senator Anderson was in a class of her own. She did not feel the need to speak often here in committee or in caucus; content that others already voiced her own concerns. When she did speak, however, she would come emphatically to the point with candour and clarity. She scrupulously performed her duty. Senator Anderson served on the Banking, Trade and Commerce

Committee where, as Senator Murray put it at her taking leave of this place, "She was always constructive and showed a deep understanding" of complicated matters.

Honourable senators, I could say more but others wish to speak. Let me end by saying that this dignified, modest person was a sterling example of loyalty. Her work certainly added to the renown of the Senate and also to the Anderson name, not only in Northumberland—Miramichi, but also throughout New Brunswick and beyond. She was a pillar of strength and a beautiful person to be associated with.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, it is an honour for me to rise as a New Brunswicker to pay tribute to a former senator, Margaret Jean Anderson, who represented our province and the beautiful Northumberland—Miramichi region of New Brunswick in this place.

Senator Anderson served in the Senate with good judgment, dedication and humility. In particular, her work on the Banking Committee was regarded by her colleagues as being thorough and even-handed.

Margaret Anderson brought considerable business experience to the Senate, having been president of the family business alluded to by Senator Corbin, W.S. Anderson and Company Ltd., a position she inherited from her father, Stafford Anderson. She also followed her father's tradition of public service, as he had served for 17 years as a New Brunswick cabinet minister. While a senator, the expertise she gained as head of a lumber company was applied to the issues she addressed, in particular her consideration of forestry policy in our province.

Improving the visibility of women in Canadian society was an essential part of Senator Anderson's public and private efforts. Within her church, she served as president of the United Church women, and from 1972 to 1976, she served as president of the New Brunswick Liberal Association. During this time, she was an advocate for a greater role for women within her party. Other organizations, such as the Victorian Order of Nurses and the Canadian Girls In Training, which impact upon women's lives, also benefited greatly — as did our society — from her efforts.

Honourable senators, Margaret Anderson was devoted to the Miramichi and throughout her life had significant involvement in its historical society, environmental society, and the curling, golf, and arts clubs. Her home province of New Brunswick and our people gained much from her participation in these organizations. Today, appropriately, we remember Senator Margaret Jean Anderson's remarkable contributions to this country and especially to her beloved province of New Brunswick.

Honourable senators, those on this side of the chamber extend our sincere condolences to her family.

Hon. Joseph A. Day: Honourable senators, I rise today to join honourable colleagues in paying tribute to the life of a fellow New Brunswicker, former Senator Margaret Anderson.

Senator Anderson was appointed to the Senate by Pierre Elliott Trudeau on March 23, 1978, and retired during the summer of 1990. She represented, as honourable senators have heard, the area of the Miramichi in New Brunswick — the area where she spent most of her life — and New Brunswick and the Atlantic region with knowledge and diligence that will not be soon forgotten.

When Senator Anderson was appointed, along with Senator Florence Bird in 1978, they were the fifteenth and sixteenth women to have been appointed to the Senate in its 110 years of history.

Honourable senators will understand, therefore, from hearing about her life and her role in politics, that she was on the vanguard of women participating in the political and business life of our country. Since that time, 52 other women have been appointed and sworn into this chamber. They have all made invaluable contributions to the work of this chamber.

Senator Anderson would be pleased with the turn of events, although undoubtedly she would continue to encourage us all to promote the causes that would expand the role of women in our society.

• (1340)

Before her appointment to the Senate, Senator Anderson was employed in the forest industry, rising to president of the family forest business of W.S. Anderson & Company Ltd. I was familiar with her work in Newcastle in that particular business.

She also served on a number of organizations, as honourable senators have heard, including the United Church of Canada, Canadian Girls in Training and the Victorian Order of Nurses. In addition, she served for several years as President of the New Brunswick Women's Liberal Association, an association that continues to play a very active role in the political life of New Brunswick. This position allowed her to promote the role of women during the implementation of the Program of Equal Opportunity, begun by another former senator, Louis Robichaud, that was unfolding in the province of New Brunswick.

During her time in the Senate, Senator Anderson was a prominent member of the Standing Senate Committee on Banking, Trade and Commerce. Her peers at the time noted that she was always prepared, as senators normally are, and that she always asked pertinent and knowledgeable questions of the witnesses who appeared before the committee. In addition, it was noted that her proposed solutions to the concerns of the committee were always based on common sense and wisdom. Always placing the welfare of the nation ahead of partisan concerns and considerations, she made a tremendous contribution to the lives of all Canadians.

I join all honourable senators in expressing to the family and friends of Senator Margaret Anderson our heartfelt condolences on her passing.

Hon. Rose-Marie Losier-Cool: Honourable senators, I feel that I must add my words to the tributes for Senator Anderson today. I did not have an opportunity to work with her in the Senate. However, my first experience with her and with the Senate was when I came to Parliament Hill to lobby with the Canadian Teachers' Federation. Now I know what it is like when interest groups lobby senators and members of Parliament.

Senator Anderson's home was very close to mine. I remember what she told me. She said, "You are from New Brunswick. You must go out and work hard to encourage high school girls to become involved in politics." I am sure now that Senator Anderson would be happy to see the number of female senators from New Brunswick.

Honourable senators, I agree with all of the previous speakers: Senator Margaret Anderson was a great woman and a devoted and ardent person.

THE LATE MURRAY DRYDEN, C.M.

Hon. Francis William Mahovlich: Honourable senators, yesterday we paid tribute to two great Canadians, Claude Ryan and Robert Stanfield. Today, I want to pay tribute to a real warrior, a front-line man, Murray Dryden, who passed away last week at the age of 92.

Born in Domain, Manitoba, the eldest of eight, he worked on the family farm and attended school until 1928 when he moved to Winnipeg to look for a job. He rode the rails in search of work, sleeping in train stations, all of which made him appreciate a good night's sleep.

In 1938, he married Margaret Campbell and they moved to Toronto, where Mr. Dryden made a decent living selling building materials. In the 1950s, he developed a passion for photography, which started by taking pictures of his children, specifically his sleeping daughter Judy. Watching her in a peaceful slumber reminded him of harder times. Friends loved the pictures so much that they asked Mr. Dryden to take some of their children as well. Before long, he began snapping photos of sleeping children all across Europe.

Upon his retirement, this socially conscious person decided to make a difference. He and his wife Margaret created a home-based charity called Sleeping Children Around the World. While his sons Ken and Dave were stopping slapshots in the NHL, Mr. Dryden was travelling to distant places like India, doing what he could to help alleviate suffering in poor nations. So far, the charity has raised over \$15 million to provide bed kits to over 700,000 children in 31 countries.

In 1988, Mr. Dryden sold three Christmas tree farms for \$3.5 million to finance his charity, ensuring that 100 per cent of the donations would continue to go to charity. I conclude with a quote from Mr. Dryden:

I know the difference between being poor in Canada and being poor in Bangladesh. Remember, they have no welfare system, no medicare and very few charitable organizations in these countries. It is when there is so little hope for people, such as those people in developing countries, that we must work to improve conditions.

THE LATE DANIEL GORDON SKALING

Hon. Norman K. Atkins: Honourable senators, a week ago Saturday, I attended a memorial service at Christ Church Cathedral in Fredericton, New Brunswick, for Daniel Gordon Skaling, known to many of his friends as "Captain Dan," a title acquired from his service in the Canadian navy. The occasion was a great tribute to someone who was loved and admired by many. This was no ordinary Canadian.

While working with the New Brunswick provincial government in the Department of Commerce and Development, one of Dan's lasting accomplishments was the creation of the Regional Economic Development Commissions, which are now known as Community Economic Development Agencies.

Dan was Deputy Minister of Tourism in New Brunswick. He played a key role in the development of tourism infrastructure in the province. He further served as Chief of Staff to Canada's Minister of Mines and Forestry, the Honourable Gerald Merrithew. In that role, he travelled this country extensively and developed a keen knowledge and insight into Canadians from coast to coast, which served him well in many capacities. More recently, Dan was the Chairman of NB Power's Board of Directors and the President of Venture Communications.

Dan was a remarkable individual who loved New Brunswick and served the province and community in many different ways. Dan volunteered his time on behalf of Partners for Youth, the University of New Brunswick, St. Thomas University, the University of Moncton, the New Brunswick Adoption Foundation and many other charitable organizations. He further served on the boards of the Economic Developers of Canada, the Canada Standards Council, SMI Industries and Algonquin Properties Ltd.

Dan was a decent, loyal, committed individual who loved life and lived it fully. I believe he had the admiration and respect of all those who were associated with him.

Honourable senators, Dan Skaling touched many lives during his lifetime. He will be missed by his multitude of friends, his wife and his two children, Andrew and Jennifer.

THE SENATE

DEBATES BRANCH SERVICES FOR HEARING IMPAIRED

Hon. Lise Bacon: Honourable senators, the Debates Branch of the Procedure Office, Legislative Services, in collaboration with Information Management, continues to broaden the Senate's services to the hearing impaired.

[Translation]

The real-time transcription of the proceedings of the Senate, produced by the parliamentary stenographers, is now available in both official languages in Senate offices, through the OASIS television network, on channel 19 in English and 20 in French. Viewers may choose their channel and listen to the proceedings as they follow the text on screen.

[English]

The same real-time transcription system also forms the basis for the closed captioning of CPAC-televised committees and the communication access real-time translation system, or CART, provided to hearing-impaired senators in the chamber, committee meetings and the reading room. As well, to better accommodate hearing-impaired visitors to the Senate chamber, the same service will be provided through the new TV monitors installed in the public galleries.

[Translation]

These improvements in transcription have been made in order to fulfil the Senate's commitment to persons with physical disabilities. The measures undertaken by the Senate responded to the concerns expressed by a number of colleagues, including Senator Robertson and Senator Carstairs, with the wholehearted support of Senator Gauthier.

[English]

In the application of real-time transcription, the Senate has become a leader. No other comparable institution makes available its chamber and committee deliberations in both official languages in real-time simultaneously. The reporters, interpreters and technicians who work together so closely have made this possible. Their efforts deserve both our thanks and our congratulations.

Hon. Senators: Hear, hear!

• (1350)

PRIME MINISTER

AUDITOR GENERAL'S REPORT— INVOLVEMENT IN SPONSORSHIP PROGRAM

Hon. Pat Carney: Honourable senators, Liberal Prime Minister Paul Martin is claiming that he knew nothing about the wrongdoing in the Quebec sponsorship scandal revealed by Auditor General Sheila Fraser this week, claiming that the misallocation of hundreds of millions of dollars is the work of bureaucratic bandits who hid their criminal activities from the government.

In fact, as finance minister, he could not have been ignorant of the hijacking of taxpayers' money and its diversion into the pockets of Liberal-friendly advertising communications firms. That is because he and his officials were directly involved in the Treasury Board process, which authorizes all government expenditures. That is a fact he cannot and should not seek to deny.

[Senator Mahovlich]

Honourable senators, I served as President of Treasury Board under the Mulroney government. Mike Wilson served as finance minister for years. Both of us agree that sums of this magnitude could not have escaped Treasury Board scrutiny, and Mr. Martin and his officials were part of that scrutiny.

The Treasury Board is the only cabinet committee mandated by Canada's 1867 Constitution. It was set up by our first Prime Minister, Sir John A. Macdonald. It examines and improves the proposed spending plans of government departments and reviews the development of approved programs. This information is confirmed by the information posted today on the Liberal government's Web site.

Traditionally, finance ministers are members of the Treasury Board. The sponsorship program started in 1997, and the regulatory plan for that year states that the board consisted of the President of the Treasury Board, the Minister of Finance and four other ministers.

In 2003, members of the Treasury Board included the Honourable John Manley, then finance minister. The current members include Finance Minister Ralph Goodale. It is beyond credibility for Paul Martin to deny his past role in this central agency of government.

When I was President of the Treasury Board, each item reviewed contained a notation of approval or disapproval by the Department of Finance, and former Finance Minister Michael Wilson today confirmed this in a telephone conversation with me. In my case, if the cabinet item indicated that Finance had no concerns, the matter was dealt with on a routine basis. If Finance did have concerns, either officials or the minister himself appeared before the board to express his views.

We do not know at this point what concerns, if any, Paul Martin expressed when government expenditures were reviewed. However, we do know without a doubt that his officials were part of the review process. We also know that in a small insular world of the "town," as insiders call the senior bureaucracy, any doubts about the efficacy of government spending are widely circulated and discussed. It is inconceivable that the massive misappropriation of funds from the Department of Public Works would have escaped comments. To suggest otherwise is to discredit the work of many widely respected and conscientious bureaucrats who would have properly brought the matter to their minister's attention.

It is interesting to note the board's current Web site states that on December 12 — the day Paul Martin took office as Prime Minister — the functions and mandates of the Treasury Board have been amended to ensure that the secretariat provides "advice and support to Treasury Board ministers in their role of ensuring value for money."

This amendment is simply window-dressing, confirms former Finance Minister Mike Wilson. Value for money is what the Treasury Board has been all about since the time of Sir John A. Macdonald. Why did Prime Minister Paul Martin feel the need to change the mandate in place when he served on the board as finance minister?

As respected historian Michael Bliss has stated, he was either complicit in deceiving taxpayers or he was incompetent. Neither excuse will satisfy Canadians.

DEPORTATION OF SONG DEY RI AND HIS SON

Hon. A. Raynell Andreychuk: Honourable senators, Canada is a signatory to the Rome Statute of the International Criminal Court. In the Rome Statute, the preamble indicates that those signatories are determined to put an end to impunity for the perpetrators of crimes against humanity, genocide and war crimes.

It is no longer acceptable to say, "I was not in control," or "I just received instructions." All those who are complicit and involved in the regime are accountable and therefore within this philosophy of the international court. Our refugee and immigration laws should, and in most cases do, mirror this understanding.

Therefore, when one is an officer, agent or diplomatic officer, one is taken to be part of the repressive regime. Therefore, it is quite right for our immigration board to rule strictly, adhering to these principles if no evidence to the contrary is found. It is precisely, therefore, the obligation of the minister to take into account humanitarian and other circumstances to ensure that justice prevails. For every ironclad rule, history teaches us that exceptions can and should be made.

Therefore, I urge the Government of Canada, through the minister, to respect the immigration board's actions and instead use their own discretions to create the compassionate and just result for Mr. Song Dey Ri and his son. If newspaper reports can be relied on, there is no risk to Canadian safety and security, and exercising compassion and humanitarian reasons would not be seen to be impunity for a perpetrator. Rather, it would support the ultimate aim of bringing peace, security and well-being both to Canada and the world.

I plead that the government take into account its humanitarian responsibilities.

[Translation]

THE HONOURABLE MARCEL PRUD'HOMME, P.C.

CONGRATULATIONS ON FORTIETH ANNIVERSARY AS PARLIAMENTARIAN

Hon. Gerald J. Comeau: Honourable senators, it is with great pleasure and in friendship that I rise today to pay tribute to the Honourable Senator Prud'homme on the occasion of his fortieth anniversary in the Parliament of Canada.

I have known the honourable senator for a long time. In 1984, when I was a member of the House of Commons, I met him for the first time on Parliament Hill, and I recall that he invited me to a reception at the Embassy of Saudi Arabia, which I greatly enjoyed.

Senator Prud'homme is a man of passion, great energy and remarkable determination. He is never hesitant about expressing his opinions and feelings, sharing the benefits of his experience or offering advice. The honourable senator is a Parliament Hill legend. No one could accuse him of not doing the impossible to defend the interests of the constituents in Saint-Denis when he was in the House of Commons.

We are all aware of his devotion to Quebec, the province of his birth, and his no lesser devotion to Canada. He has always been proud to proclaim himself a French Canadian.

Bravo, Senator Prud'homme! My sincere congratulations on your 40 years of service. I invite all honourable senators to join me in paying tribute to our colleague and in recognizing the quality of his commitment.

ROUTINE PROCEEDINGS

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FIRST REPORT OF COMMITTEE PRESENTED

Hon. Lise Bacon, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, February 12, 2004

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

FIRST REPORT

Your Committee, in accordance with the *Parliament of Canada Act*, met during the period of prorogation between the 2nd and 3rd sessions of the 37th Parliament, and before the members of its successor Committee were appointed. Your Committee wishes to report to the Senate the decisions taken.

Supplementary Estimates 2003-2004

Your Committee has approved Supplementary Estimates (B) for the fiscal year 2003-2004 and recommends their adoption. (Appendix A)

Your Committee notes that the proposed Supplementary Estimates total \$3,574,600.

Main Estimates 2004-2005

Your Committee has approved the Senate Estimates for the fiscal year 2004-2005 and recommends their adoption. (Appendix B)

Your Committee notes that the proposed total budget is \$73,551,950.

An overview of the 2004-2005 budget will be forwarded to every Senator's office.

[Senator Comeau]

As Chair of the Committee since October 2002, I would like to thank all the Senators who served on Internal Economy for their contributions to the Committee.

Respectfully submitted,

LISE BACON
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Bacon, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[English]

SECOND REPORT OF COMMITTEE PRESENTED

Hon. Lise Bacon, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, February 12, 2004

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

SECOND REPORT

Your Committee recommends that the following funds be released for fiscal year 2003-2004.

Rules, Procedures and the Rights of Parliament

Professional and Other Services	\$ 3,600
Transportation and Communications	\$ 0
Other Expenditures	\$ 0
TOTAL	\$ 3,600

Social Affairs, Science and Technology (Legislation)

Professional and Other Services	\$ 3,000
Transportation and Communications	\$ 0
Other Expenditures	\$ 300
TOTAL	\$ 3,300

Respectfully submitted,

LISE BACON
Chair

The Hon. the Speaker: When shall this report be taken into consideration?

On motion of Senator Bacon, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1400)

FOREIGN AFFAIRS

BUDGET REPORT OF COMMITTEE PRESENTED

Hon. Peter A. Stollery, Chair of the Standing Senate Committee on Foreign Affairs, presented the following report:

Thursday, February 12, 2004

The Standing Senate Committee on Foreign Affairs has the honour to present its

SECOND REPORT

Your Committee, which was authorized by the Senate on Tuesday, February 10, 2004 to examine and report upon the Canada—United States of America trade relationship and the Canada—Mexico trade relationship, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to travel outside Canada for the purposes of its examination.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

PETER A. STOLLERY
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Stollery, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

LEGAL AND CONSTITUTIONAL AFFAIRS

REPORT PURSUANT TO RULE 104 TABLED

Hon. Gérard-A. Beaudoin: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Legal and Constitutional Affairs, which deals with the expenses incurred by the committee during the Second Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 87.)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

REPORT PURSUANT TO RULE 104 TABLED

Hon. Marjory LeBreton: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the

first report of the Standing Senate Committee on Social Affairs, Science and Technology, which deals with the expenses incurred by the committee during the Second Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 87.)

BANKING, TRADE AND COMMERCE

REPORT PURSUANT TO RULE 104 TABLED

Hon. Richard H. Kroft: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Banking, Trade and Commerce, which deals with the expenses incurred by the committee during the Second Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 89.)

[Translation]

CRIMINAL CODE

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill C-13, to Amend the Criminal Code (capital markets fraud and evidence-gathering).

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Rompkey, bill placed on the Orders of the Day for second reading two days hence.

[English]

CRIMINAL CODE

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-14, to amend the Criminal Code and other acts.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Rompkey, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

SEX OFFENDER INFORMATION REGISTRATION BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons returning Bill C-16, respecting the registration of information relating to sexual offenders, to amend the Criminal Code and to make consequential amendments to other Acts.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Rompkey, bill placed on the Orders of the Day for second reading two days hence.

[English]

AMENDMENTS AND CORRECTIONS BILL, 2003

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-17, to amend certain acts.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Rompkey, bill placed on the Orders of the Day for second reading two days hence.

[Translation]

ROYAL CANADIAN MOUNTED POLICE ACT

BILL TO AMEND—FIRST READING

Hon. Pierre Claude Nolin introduced Bill S-12, to amend the Royal Canadian Mounted Police Act (modernization of employment and labour relations).

Bill read first time

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Nolin, bill placed on the Orders of the Day for second reading two days hence.

ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

MEETING OF BUREAU, JANUARY 21-23, 2004—REPORT TABLED

Hon. Pierre De Bané: Honourable senators, under rule 23(6), I have the honour to present, in both official languages, the report

of the Canadian branch of the Assemblée parlementaire de la Francophonie as well as the related financial report. The report concerns the APF Bureau meeting, held in Cayenne, French Guiana, from January 21 to 23, 2004.

[English]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO CONTINUE STUDY ON HEALTH ISSUES SURROUNDING REPORT ON STATE OF HEALTH CARE SYSTEM

Hon. Marjory LeBreton: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on issues arising from, and developments since, the tabling of its final report on the state of the health care system in Canada in October 2002. In particular, the Committee shall be authorized to examine issues concerning mental health and mental illness;

That the papers and evidence received and taken by the Committee on the study of mental health and mental illness in Canada in the Second Session of the Thirty-seventh Parliament be referred to the Committee, and

That the Committee submit its final report no later than May 30, 2004.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Marjory LeBreton: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Marjory LeBreton: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology have power to sit at 3:30 p.m. on Wednesday, February 18, 2004, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

• (1410)

[Later]

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO MEET DURING SITTING OF THE SENATE

Hon. Marjory LeBreton: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology have power to sit at 3:30 p.m. on Wednesday, February 25, 2004, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

**RULES, PROCEDURES AND
THE RIGHTS OF PARLIAMENT**

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY PRIVATE MEMBERS' BUSINESS

Hon. Sharon Carstairs: Honourable senators, I give notice that on Monday, February 16, 2004, I will move:

That the Standing Committee on Rules, Procedure and the Rights of Parliament study the manner in which Private Members Business, including Bills and Motions, are dealt with in this Chamber and that the Committee report back no later than November 30, 2004.

[Translation]

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY REGULATIONS, PRACTICES, CUSTOMS
AND CONVENTIONS OF OTHER LEGISLATURES

Hon. Jean-Robert Gauthier: Honourable senators, I give notice that Monday, February 16, 2004, I will move:

That the Standing Committee on Rules, Procedures and the Rights of Parliament examine the rules, practices, customs and conventions of other legislatures in order to prepare the draft modern and democratic rules thereby following up responsibly on petitions to the Senate.

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO PERMIT ELECTRONIC COVERAGE

Hon. Gérald-A. Beaudoin: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Legal and Constitutional Affairs be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO ENGAGE SERVICES

Hon. Gérald-A. Beaudoin: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Legal and Constitutional Affairs have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

FISHERIES AND OCEANS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO CONTINUE STUDY ON MATTERS RELATING
TO STRADDLING STOCKS AND FISH HABITAT

Hon. Gerald J. Comeau: Honourable senators, I give notice that at the next sitting of the Senate I shall move:

That the Senate Standing Committee on Fisheries and Oceans be authorized to examine and report on matters relating to straddling stocks and fish habitat;

That the papers and evidence received and taken on the subject and the work accomplished during the First and Second Sessions of the Thirty-seventh Parliament be referred to the Committee; and

That the Committee submit its final report to the Senate no later than Monday, May 31, 2004.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO CONTINUE STUDY ON QUOTA ALLOCATIONS AND
BENEFITS TO NUNAVUT AND NUNAVIK FISHERMEN

Hon. Gerald J. Comeau: Honourable senators, I give notice that at the next sitting of the Senate I shall move:

That the Senate Standing Committee on Fisheries and Oceans be authorized to examine and report on matters relating to quota allocations and benefits to Nunavut and Nunavik fishermen;

That the papers and evidence received and taken on the subject and the work accomplished during the Second Session of the Thirty-seventh Parliament be referred to the Committee; and

That the Committee submit its final report to the Senate no later than Monday, May 31, 2004.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO PERMIT ELECTRONIC COVERAGE

Hon. Gerald J. Comeau: Honourable senators, I give notice that at the next sitting of the Senate I shall move:

That the Standing Senate Committee on Fisheries and Oceans be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO PERMIT COMMITTEE TO ENGAGE SERVICES

Hon. Gerald J. Comeau: Honourable senators, I give notice that at the next sitting of the Senate I shall move:

That the Standing Senate Committee on Fisheries and Oceans have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

[English]

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Richard H. Kroft: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. Richard H. Kroft: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Trade and Commerce have power to engage services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as referred to it.

[Translation]

OFFICIAL LANGUAGES

BILINGUAL STATUS OF CITY OF OTTAWA— PRESENTATION OF PETITION

Hon. Jean-Robert Gauthier: Honourable senators, I have the honour of tabling, in this House, a petition bearing 1,000 signatures, bringing the total to 24,834, calling for Ottawa, the capital of Canada, to be declared a bilingual city reflecting the country's linguistic duality.

The petitioners are asking Parliament to consider the fact that the Canadian Constitution provides that English and French are the two official languages of our country and have equality of status and equal rights and privileges as to their use in all institutions of the Government of Canada.

[English]

That section 16 of the Constitution Act, 1867 designates the city of Ottawa as a seat of government of Canada;

That citizens have the right in the national capital to have access to the services provided by all institutions of the government of Canada in the official language of their choice, namely English or French;

That Ottawa, the capital of Canada, has a duty to reflect the linguistic duality at the heart of our collective identity and characteristic of the very nature of our country.

Therefore, your petitioners ask Parliament to confirm in the Constitution of Canada that Ottawa, the capital of Canada, is officially bilingual, pursuant to section 16 of the Constitution Act, from 1867 to 1982.

QUESTION PERIOD

PRIME MINISTER

AUDITOR GENERAL'S REPORT— SPONSORSHIP PROGRAM—INVOLVEMENT

Hon. Pat Carney: Honourable senators, my question is directed to the Leader of the Government in the Senate, who yesterday, when asked what did Paul Martin know and when did he know it, told this chamber that the finance minister, Mr. Martin, knew nothing of this issue when he was finance minister, nor would anyone expect the Minister of Finance to know about this issue.

In view of the fact that the Minister of Finance was a member of Treasury Board, which does approve program expenditures, would the Leader of the Government in the Senate please elaborate on why he would know nothing about the material that was presented to Treasury Board?

Hon. Jack Austin (Leader of the Government): I thank the honourable senator for her question and for the senator's statement, which is a preamble to her question. That allows me to better understand the basis of her argument.

In 1995, I believe, the Government of Canada changed the role of Treasury Board and adopted a doctrine which in the business community is known as "let managers manage." As a result, Treasury Board no longer continued to overview matters in which expenditures, once authorized to departments, were controlled. Person years were no longer controlled. Departments were given an envelope of funds. Parliament voted funds under certain lines of expenditure and then the departments were given the authority to conduct those expenditures.

An internal audit system in each department replaced the Treasury Board function. It was established to ensure that the former Treasury Board function was carried on within the department and under the authority of the deputy minister.

Senator Lynch-Staunton: Like the lunatics running the asylum.

Senator Carney: I thank the Leader of the Government for that explanation, although clearly it would not be a matter of letting the managers manage but of letting the managers mismanage. To those of us on this side, it would be a whopping disregard of government responsibility if government expenditures were turned over to the departments without an overview.

How could that system actually work in an operational sense, since finance is involved in the scrutiny of expenditure programs? Whether it is the department or Treasury Board, how could Mr. Martin say that his officials were unaware of what was happening on this program?

Senator Austin: Simply put, what took place was not a situation where there were no rules. To put it the other way around, rules were in place to provide for overview and to control expenditures. In this situation, according to the Auditor General, a group was established that abused the rules, disobeyed the rules and ignored the rules. Of course, if that is the case, no report to Treasury Board asking for rulings or disclosing their activities is likely to have been made. Therefore, the system did not allow pre-audit control.

• (1420)

In the times that Senator Carney and I were in cabinet, we had a pre-audit system through which every expenditure and hiring was controlled by the Treasury Board; and the Department of Finance was, of course, represented at Treasury Board. A business doctrine then grew up in which members of Parliament in the other place and here said, "There is too much bureaucracy; there is too much control; give the deputy minister the authority to do these things."

I would be delighted to have the assistance of the Senate in looking at whether the new design was adequate. Let us not lose perspective. We are looking at a very small number of people in a very large department in a very large government, and it would appear, so far as we know, that the rules have worked effectively in every other case.

There is a question about whether letting managers manage is a desirable policy. There are advocates of that school, and they do not believe that the system has been broken by a group that was prepared to undermine and ignore the rules. However, it is clear that something must be done to deal with this phenomenon.

Senator Carney: Honourable senators, if that were the case, why did the Prime Minister feel it necessary, on the day he took office, to amend the mandate of Treasury Board by adding the words "value for money"? Why was it necessary to add, to the mandate of Treasury Board, to scrutinize spending for value for money as Prime Minister, when clearly value for money was not the mandate when he was finance minister? Why should Canadians have confidence in that kind of management?

Senator Austin: Honourable senators, I know Senator Carney is a student of Canadian politics and, therefore, will know that during the leadership campaign of the Liberal Party, Prime Minister Paul Martin was aggressive in suggesting the introduction of comptroller functions within every department. Either he was not satisfied with the 1995 decision or he became

dissatisfied as the practices of that decision emerged, so he was calling for much tighter controls and a greatly enlarged role for Treasury Board. There is no question that the 1995 policy was not the end of the line in terms of management of government.

PUBLIC WORKS AND GOVERNMENT SERVICES

AUDITOR GENERAL'S REPORT SPONSORSHIP PROGRAM—OFFICIALS INVOLVED

Hon. W. David Angus: Honourable senators, it is clear to us all that we are in the vortex of the most far-reaching and abusive scandal in Canadian history. As I suggested here yesterday, one finds it very difficult to resist the emotions of embarrassment and shame — embarrassment for Canada and shame vis-à-vis our government and our national police force, the Royal Canadian Mounted Police. Yet, the government leader in the Senate belittles it — "a very few people in a very large department" — and the Prime Minister is desperately attempting to marginalize the impact of the sponsorship scandal by blaming it on what he is calling "a small group of 14 federal employees."

Is this really the case? Can the Leader of the Government in the Senate please name for us these 14 so-called "rogue" civil servants and tell us why they have not been named sooner and called to account? Are they being used as scapegoats, like Ambassador Gagliano, as part of this hapless effort to duck more widespread responsibility?

Hon. Jack Austin (Leader of the Government): Honourable senators, I thank Senator Angus for a much shorter preamble than yesterday.

If the reference is to 14 persons in the Auditor General's report, then the honourable senator will have to direct his question with respect to who they are to the Auditor General.

Senator Angus: Honourable senators, at today's initial meeting of the Public Accounts Committee, the Auditor General, in response to the very first question put to her, said that these 14 names are available to the government, and indeed they are going to be delivered before noon today to that committee.

If the Leader of the Government in the Senate does not know who they are, I think he owes it to his colleagues in this chamber to tell us that he does not know who those 14 rogue civil servants are.

Senator Austin: Honourable senators, Senator Angus is absolutely right. I do not know those names; I do not know those people; and I am delighted that the honourable senator has information that I do not have. That tells me that I need to speed up the flow of information to my desk.

Senator Angus: The leader has the same government-paid TV in his office as I have in mine.

Can the Leader of the Government in the Senate please tell us when and if these employees — whomever they may be — will be suspended or otherwise relieved of their duties while the investigation continues, and what, if any other disciplinary action is being contemplated for these wicked culprits for their allegedly reprehensible breach of public trust?

Senator Austin: Honourable senators, I was tempted to jump to my feet and say that I believe that Senator Angus may have a bit more time to watch television than I have at the moment.

At the same time, simply as conjecture, perhaps Senator Angus has the answer to his question, because he is in receipt of more information on this topic than I am.

Senator Angus: Honourable senators, I have asked for the names of the 14 people. I do not know who they are because I am not a member of that committee. The honourable senator has told his colleagues that he does not know who they are. I accept that answer and I would ask the Leader of the Government in the Senate to give us those names as soon as possible.

Senator Austin: Honourable senators, as soon as those names are made available to me, I will send them to all honourable senators so that they have the information.

With respect to the other part of Senator Angus' question, the Treasury Board and, to the extent that it has a role, the Public Service Commission are now examining the statements in the Auditor General's report in order to determine what actions might be appropriate with respect to persons unknown to me.

Senator Angus: I thank the Leader of the Government for that answer. However, the Prime Minister was quoted in today's *Globe and Mail* as saying that this thing is "confined", "well covered up and concealed," "an ingenious scheme by 14 public servants."

That blame has been publicly laid; it has been laid by the highest elected officer of this country: our Prime Minister. I am very serious; I am not trying to make a joke. I am trying to adhere to the principles of comity by asking the Leader of the Government in the Senate, in his position as our representative of the government in this chamber, who they are and what punishment will be levied. Are they being relieved of their duties? Clearly the government knows who they are or they would not say that they are the ones who caused the scandal.

Senator Austin: Honourable senators, it is my information that the number 14 and the description of "a small group" are words used by the Auditor General in her report. I believe any reference to it is simply that.

Hon. Marjory LeBreton: Honourable senators, last night on CTV Craig Oliver had an excellent question for the government. Since the 14 people have been identified, why is the government having the public inquiry?

• (1430)

THE SENATE

AUDITOR GENERAL'S REPORT—SPONSORSHIP PROGRAM—LEADER OF THE GOVERNMENT'S RESPONSES TO QUESTIONS

Hon. Marjory LeBreton: My question is to the Leader of the Government in the Senate. During Question Period in the other place yesterday, with respect to the sponsorship scandal, four questions that contained the words "corruption" or "corrupt"

were put to the Prime Minister. Two of those questions used the words "culture of corruption," a phrase to which the Leader of the Government in the Senate took offence here yesterday. The Prime Minister answered three of those questions personally. At no time in his responses did he take issue with the use of the word "corruption."

Could the government leader tell us why he is "not prepared to answer questions based on a premise that alleges corruption," if his boss does so over in the other place?

Hon. Jack Austin (Leader of the Government): Honourable senators, I want to point out, with respect to Craig Oliver, that he was born and raised in Prince Rupert, British Columbia.

Senator Kinsella: And the point is?

Senator Austin: The point is that that is just as relevant as the reference to Craig Oliver in his newscast.

Senator Lynch-Staunton: That is the only straight answer you have given so far this week. You are getting there!

Senator Austin: With respect to the reference to the word "corruption" and the discussion in the Senate yesterday, we await the ruling of the Speaker in the Senate.

Hon. Marjory LeBreton: I have a supplementary question.

Honourable senators, during yesterday's Question Period in the other place, the Prime Minister stated three times that it was, as my colleague said, and the Prime Minister used the exact words, a "small group of people" who broke the law with regard to the sponsorship program. The Prime Minister did not use the word "allegedly." He said clearly that individuals broke the law. In fact, the government revealed yesterday that disciplinary proceedings had begun against 14 people as a direct result of the Auditor General's report.

Will the Leader of the Government in the Senate admit that these are no longer simply allegations of wrongdoing?

Senator Austin: Honourable senators, I have answered in the main already with respect to the major thrust of the question. However, it might be of assistance to Senator LeBreton to consider the possibility that these 14 people, whom I do not know, may not currently be subject to certain procedures. They may not now be members of the public service, which would limit recourse.

Senator Lynch-Staunton: You do not know who they are.

Senator Austin: I want to be helpful to Senator LeBreton so that she can take that into account in considering the situation.

Senator LeBreton: Honourable senators, as a final comment, the words I am using are not my own; I am using the words of the Prime Minister. He said that disciplinary proceedings had been initiated against 14 people. Honourable senators can understand our curiosity here. We are simply asking who these 14 people are.

Does the Leader of the Government in the Senate and the Prime Minister not talk about this? The government leader is at the cabinet table.

Senator Austin: Honourable senators, I want to come back to my answer to Senator Angus and my lack of information with respect to who these people are and my desire to know, at least as quickly as Senator Angus, what is going on around here so that I can be more helpful.

TREASURY BOARD

PERFORMANCE BONUSES TO OFFICIALS

Hon. Herbert O. Sparrow: Honourable senators, my question is for the Leader of the Government in the Senate.

There have been reports of performance bonuses having been paid to senior public service employees. I should like to have an explanation of the basis on which such bonuses are paid. For example, what class of employees are recipients of such bonuses? What percentage of that class receives those bonuses? What is the range of values of such bonuses? How many public service employees have been paid bonuses in this fiscal year? Will any further bonuses be paid in this fiscal year? What was the total amount paid in such bonuses? What are the names of the recipients and the amounts received of these bonuses over the same fiscal year?

Hon. Jack Austin (Leader of the Government): Honourable senators, I believe that the detail requested requires a written response. The information requested by the honourable senator will be supplied as soon as I am able to obtain it.

THE CABINET

AUDITOR GENERAL'S REPORT—SPONSORSHIP PROGRAM—AWARENESS OF OFFICIALS INVOLVED

Hon. David Tkachuk: Honourable senators, I return to the rogue ministers — because it is the rogue ministers, I think, as well as the rogue public servants. The Prime Minister has said that a small group of people within Public Works broke the law and got around the rules. Yesterday, the Leader of the Government in the Senate — who was quite upset about comments that were made on this side about the government's role in this scandal — asked us to name the politicians, but he had no trouble at all naming the public servants without naming their names.

I should like to know when the cabinet and the Prime Minister came to know about this small group of people, as the Prime Minister calls them, and the rogue group, as the minister calls them.

Hon. Jack Austin (Leader of the Government): Honourable senators, I appreciate questions that lack innuendo, and I should like to answer the question, but "rogue ministers" is spoken in the plural. Does the honourable senator have information, or is he making a charge? Does Senator Tkachuk have names that he would like to offer?

Senator Tkachuk: It was the Prime Minister who said that a small group of people within Public Works broke the law and got around the rules.

My question for the Leader of the Government is this: When was the cabinet and when was the Prime Minister informed of this group of people?

Senator Austin: Honourable senators, under our constitutional and conventional practice, I am not permitted to discuss cabinet business in this place.

The only thing I can tell honourable senators is that, when this government received the report of the Auditor General, it began to respond to it. As honourable senators know, responses to the report began on February 10. Prior to the release of this report, management issues were addressed — because, as I said earlier this week, an internal audit process, which came out of the management system that I described earlier today, identified problems. Minister Boudria, when he became Minister of Public Works, asked the Auditor General to study the initial report of the internal audit committee and to find out more about the issues that were raised. That gave rise to the work that was published on February 10.

Senator Lynch-Staunton: On the auditor's recommendation.

Senator Tkachuk: I am a little confused.

Senator Lynch-Staunton: We all are.

Senator Angus: Obfuscation. Let's have Senator Carstairs back.

Senator Tkachuk: It was a small group of people within Public Works who broke the law and got around the rules. If the Prime Minister knew that these people broke the law, it means they committed a criminal offence. When was the cabinet informed? What action did the cabinet take? Were the police telephoned? Did cabinet turn the files over to the Solicitor General? Was the Minister of Justice brought in? What happened here?

Senator Austin: Because Senator Tkachuk has not been following the public record very well, let me enlighten him.

Senator Tkachuk: Please do.

Senator Austin: The honourable senator will recall that I just said that Minister Boudria, when he became Minister of Public Works, brought in the Auditor General.

Senator Lynch-Staunton: Not on his own.

Senator LeBreton: After she made the report.

Senator Lynch-Staunton: She asked him to.

Senator Austin: When certain issues were raised respecting one of the advertising companies, the RCMP decided to take an interest. That process was ongoing more than a year ago — I believe almost a year and a half ago. The cabinet of that day was obviously informed about certain levels of investigation and inquiry. However, I, as a minister in this government, have no way of knowing what they knew and when they knew it.

• (1440)

Senator Tkachuk: Well, obviously, there was no need for me to follow the public record because I am no more enlightened now than I was earlier. The honourable senator has simply repeated the public record. It is my understanding that the Prime Minister and the Leader of the Government in the Senate claim that people broke the law and that, as Senator Angus pointed out, the Auditor General would forward the names of those people. Obviously, the Prime Minister and members of his cabinet must know those names or they would not have known that those people broke the law.

I ask the honourable leader: When was the cabinet informed that there was a conspiracy of rogue civil servants? When did it happen? What action did the Prime Minister take? What action did cabinet take when they were informed of this obvious criminal problem in one of their departments?

Senator Austin: It is difficult, honourable senators, to inform the Honourable Senator Tkachuk of the facts when he broaches the issue with a particular objective in mind. The facts may not suit his objective and, therefore, the honourable senator may not be satisfied with the answers but I will try again. In her report, the Auditor General made it clear that rules, practices and perhaps the law — in that she made reference to a breach of the Financial Administration Act — have been the subject of actions that do not conform by a small group in the Department of Public Works and Government Services. I do not know whether the honourable senator is making the Auditor General's statements into the words "criminal action."

Senator Tkachuk: The Prime Minister "broke the law" in the House of Commons.

Senator Austin: Whether the honourable senator is drawing the conclusion that those actions were criminal, certainly one of the purposes of the judicial inquiry is to determine the nature of those actions and to make recommendations to Parliament.

Hon. A. Raynell Andreychuk: Honourable senators, I have a supplementary question for clarification.

I heard the Leader of the Government in the Senate say that cabinet secrecy cannot be disclosed in this place. However, I also heard his statement indicating that the previous cabinet obviously received information about the Solicitor General's report. Am I correct in what I heard?

Senator Austin: Did the honourable senator say Solicitor General?

Senator Andreychuk: With my apologies, I meant to say Auditor General.

Senator Austin: Honourable senators, I did not say that I knew they had received the information. I did not refer to the Auditor General's report. Rather, I said that they must have received information on the inquiries that had been initiated.

I do not know whether the Auditor General made a report to the previous cabinet. I do not know what took place in the previous cabinet and I am not in a position to advise on what took place then. I am certain that eventually, as the Prime Minister has said, the judicial inquiry will get to the bottom of all of these issues. Everything that the judicial inquirer, Mr. Justice John Gomery, wants to know will be made available to him under the authority of this government.

PUBLIC WORKS AND GOVERNMENT SERVICES

CONTINUATION OF SPONSORSHIP PROGRAM

Hon. Terry Stratton: Honourable senators, on December 13, 2003, the Prime Minister announced:

The Government of Canada today announced that effective immediately the Sponsorship Program will be eliminated and Communication Canada will be disbanded by the end of the fiscal year.

Today, in the *Ottawa Sun*, it is reported that the sponsorship program will drag into the summer and that those public servants working on the files will stay on.

Could the Leader of the Government in the Senate tell the house when those 100 sponsorship files were approved? Are they expected to be completed? Why is the program continued when the Prime Minister clearly stated that it was to be discontinued by the end of the fiscal year?

Hon. Jack Austin (Leader of the Government): Honourable senators, I can tell the honourable senator that after a further examination of the programs, we know that a number of them will continue beyond the end of the fiscal year. Otherwise, a number of communities and organizations would be deprived of the funds that they were assured of receiving for their government-supported programs.

I am certain that Senator Stratton is not making the argument that they should be cut off and that those organizations should not be assisted as was agreed to by the government.

Senator Stratton: Honourable senators, I did not intend to ask that question. My question is: Have all of those continuing programs been examined to ensure that they are "clean" and operating above board?

Senator Austin: The answer to that, honourable senator, is yes. When the Honourable Ralph Goodale became the Minister of Public Works and Government Services Canada, he initiated a complete review of every file; rules were changed; practices were changed; documentation for every one of those files exists; and the value analysis for each application exists.

Senator Stratton: If I may, then, why —

The Hon. the Speaker: Honourable senators, I regret to advise that the time for Question Period has expired.

POINTS OF ORDER

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I rise on a point of order. I could have raised this yesterday but I waited for the full transcript of the alleged disorder before raising the issue in respect of the status of Bill S-7, respecting the effective date of the representation order of 2003. I have a strong sense that the decision in the transcript and the journals do not reflect what actually happened.

The transcript can be found in the *Debates of the Senate*, of February 11, 2004, page 136. After Senator Kinsella moved second reading of Bill S-7, the following dialogue took place:

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Senator Kinsella: What was the vote?

The Hon. the Speaker: When I asked, I heard no to the question of adopting the motion.

I maintain that at that time the Senate decided unfortunately. We have to ensure that proper procedure is practised in this place, as that process had the effect of denying second reading.

I will continue the exchange from yesterday's *Debates of the Senate*:

Senator Kinsella: What was the result of the vote?

The Hon. the Speaker: There has been no vote.

Honourable senators, I maintain that there was a vote and that it was on the question of whether Bill S-7 should move to second reading and the noes, according to the Speaker, had been entertained, as was reflected in his words: "...I heard no to the question..." The Speaker then went on to say, "I heard from the voices that there was not to be an adoption of the motion..."

(1450)

Twice, His Honour decided that the "noes" had denied second reading. It was not to support the vote but to point out that a decision was taken which, according to the transcript and the *Journals of the Senate*, was not respected, because His Honour then went on to ask, "Are honourable senators ready for the question?"

There was only one question before the Senate, which was: "Should we move on to second reading?" Twice before, His asked "were we ready for the question, and he had maintained that the decision had been no.

His Honour asks, "Are honourable senators ready for the question?" and honourable senators say "No." In fact, three times, unfortunately, this chamber said "No, we do not want to proceed to second reading." This is the interpretation I give to what I heard yesterday. As I said, I did not want to raise the matter because I wanted to see the transcript. There might have been corrections, as is only normal for clarification purposes, and

I wanted to see the *Journals of the Senate*. After these three "noes," Senator Rompkey moved adjournment of the debate. My interpretation is that there was no debate to adjourn. Unfortunately, the Senate did not support Senator Kinsella's bill to the point that it refused second reading of the bill.

I make these comments only to clarify the procedure, not to support the decision. I would like His Honour to maintain, unfortunately, my point of order.

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I did take the adjournment because it is Senator Kinsella's bill. My understanding from him earlier in conversations was that he would make the motion but not speak. In fact, I was ready to move the adjournment.

I heard no such voice vote, and in point of fact the question was not put. I would argue that a motion to adjourn the debate was in order. It was our intention all along to adjourn the debate and not to have the question put.

Senator Stratton: Intention is not reality.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I am in a very unusual position. I wanted my bill adopted at second reading.

Senator Di Nino: And at third reading.

Senator Kinsella: The only motion before this chamber was the motion that I made, seconded by the Honourable Senator Stratton, that Bill S-7 be read a second time. His Honour put that question. He heard, as is reported in the day's Hansard, that the answer was no.

I asked the question: "What was that vote?" because I thought I would get a "yes." I thought that the issue was so well understood that everyone would have agreed and would have adopted this bill at second reading. When I first asked, "What was the vote?" His Honour said, as reported at page 136 of the *Debates of the Senate*:

When I asked, I heard no to the question of adopting the motion.

The only motion before this house was the motion that I made, seconded by the Honourable Senator Stratton, that Bill S-7 be read the second time.

His Honour gave a decision: "I heard no to the question of adopting the motion." His Honour then added, "Does Senator Kinsella wish to speak to the motion?" "A motion that had already been adopted? It was totally out of order for the Chair to say that. How many times is a motion put and adopted?"

Senator Robichaud: The question was not put and the honourable senator knows that.

Senator Kinsella: The question was put. That is the point. Had it not been put once, I asked a second time: "What was the result of the vote?" His Honour says, "There has been no vote." Well, there had been a vote and a decision was taken and recorded by His Honour.

Senator Lynch-Staunton then said, "It was an expression of approval." In fact, it was an expression of disapproval.

His Honour then said, "I heard from the voices that there was not to be an adoption of the motion." A second time, His Honour tells us that the motion — we were being told twice — was not adopted. He then says, "I will proceed in a more formal way...."

Honourable senators, there is absolutely nothing in the rules of this place that talk about a formal motion or an informal motion or a third-time motion or a second-time motion. A question is put, the house responds to the question and a decision is made. One side or the other might not like that decision. They may say, "Can we vote on that another time?" They may say, "Can we vote on it a third time?" The rule is clear: We vote once. The question was clear. It was on the Notice Paper. Everyone knew what the motion was. His Honour put the motion to read the bill the second time. We all had a copy of it. We knew exactly what was happening. It was self-evident. As Senator Rompkey has just said, I told him, "I will not be speaking to the bill at second reading. I will be moving the bill." No tricks were being played. I put the motion because I thought that there would be unanimous consent at second reading. Everyone knows exactly what this bill is all about. We dealt with another bill very similar to it before we broke before Christmas. The question was put. His Honour twice said that the "noes" have it and I was devastated. That was the decision of the house.

Your Honour, having this bill on the Order Paper today is totally out of order. The decision was taken by the house. The motion was negated.

[Translation]

Hon. Fernand Robichaud: Honourable senators, I believe that yesterday, when discussing the bill that was the subject of the point of order, we followed our customary procedure. When a bill is introduced, the Honourable Speaker of the Senate asks the question, "Is it your pleasure, honourable senators, to adopt the motion?" The honourable senators on each side of the chamber respond by saying "yes" or "no". Sometimes, the honourable senator sponsoring the bill wishes to speak, and even if senators from both sides have already spoken, we take the time to listen to the sponsor or other honourable senators who wish to speak to the bill. This is the usual practice here, to give senators a chance to find out what we are discussing.

Once the debate is over, the Honourable Speaker asks the honourable senators if they are ready for the question. And at that time, the vote is on the motion for second reading, as is the usual practice.

I believe that we followed a practice which is customary in this chamber and accepted by all the honourable senators.

Senator Lynch-Staunton: I agree with Senator Robichaud that it is quite normal, when second reading is called, for us to answer with a "yes" or a "no". That is the traditional and customary practice.

[English]

However, in this case the "noes" were heard and certainly some "yes's" were heard. Senator Kinsella asked to make sure exactly what His Honour heard. He asked, "What was the vote?" Instead of saying, "There was no vote; you people just said yes and no, but we will carry on to second reading," Your Honour agreed that there was a vote by saying, "When I asked, I heard no to the question of adopting the motion." His Honour then had the opportunity a second time, when Senator Kinsella asked, "What was the result of the vote?" His Honour then said, "I heard from the voices that there was not to be an adoption of the motion..."

• (1500)

Nothing could be clearer than His Honour deciding that, unfortunately, second reading had been refused. It is not something that we support. We are actually arguing against ourselves, those of us who support this bill, but we feel that overriding whatever personal interest we have in the bill is a desire to see that our procedures are followed properly.

If the Senate decides that it wants to do something else, let it do so. I feel, unfortunately, that what it has done, unwittingly or not, is to kill this bill. This is the point of order that I have raised, Your Honour.

The Hon. the Speaker: Honourable senators, the question raised here is not a question of Beauchesne or the rules. This is essentially a question that relates to the record. What transpired on the occasion or at that point in our proceedings has been brought into question by Senator Lynch-Staunton's point of order. I thank all honourable senators for their interventions.

I believe that this is an important matter that I should rule on now because the bill is on our Order Paper. Taking something off the Order Paper, having been disposed of by a procedure that is in dispute, is an important matter that we should have the answer to as soon as possible.

The issue, as I understand it, is that Senator Lynch-Staunton believes that the words that I used as your presiding officer — and I will not try to remember the exact words; I do not have the record in front of me — were to the effect that the motion was not adopted or that the vote was not to that effect. However, the substance of my words is clear. It was that, whatever I said was regarded as a final disposition of whether a bill was to be given second reading and that — something very rare — the defeat of the bill at second reading occurred by virtue of my words.

The question as I recall — and it is fairly fresh in my memory — was "no" to what question? For me, the answer to that is "no" to final disposition of the matter at this time. The words "at this time" should have been used by me; I feel badly in applying them now to give a ruling on this matter. Of course, honourable senators can dispose of my ruling as they wish. However, our practices are important and should be observed with as much precision as possible.

[Senator Kinsella]

We also have developed a way of doing our business, which I do not think is consistent with the precision that the point of order draws to my attention in terms of what normally happens at this early stage of debating a bill at second reading and finally disposing of it.

I did hear Senator Kinsella say that he did not intend to speak. I was a bit puzzled as to why he said that. I now know why he said that. He had had a discussion with his counterpart, which set the stage, as has been suggested by Senator Lynch-Staunton, for a quick disposal of the matter. I did not take it that way. I took it that we would be sensitive to the desire that senators often have to speak and that they are sometimes not paying close attention to the precise words, to the precise things that are happening in a moment. That is why, even though there is no rule to this effect, that I take a moment to say that I will put a question in a formal way if I feel there is any confusion in the chamber.

My ruling is that the matter remains properly on the Order Paper and that we did not finally dispose of it through the words as provided for and stated in Senator Lynch-Staunton's point of order.

Senator Lynch-Staunton: You are contradicting your own words.

Hon. David Tkachuk: Honourable senators, I also rise on a point of order. We have had discussions in this chamber before about laptops. I notice that, in this chamber, people are using Blackberries, passing them around, obviously for e-mail. I even notice that the members of the leadership on the other side are using Blackberries. I wonder if they have received information on who those 14 people are.

I do not know whether using these devices is legal — that is the wrong word — or appropriate. Is it appropriate for us to have them in the chamber? If it is appropriate, perhaps those of us who cannot afford Blackberries in our budgets can bring in our laptops, computers and other equipment, so that we can go about our personal business while we sit in this chamber being paid by the taxpayers.

Blackberries are mini-laptops. I want to know if they are proper in this place and whether we can all bring them into the chamber with us.

Senator Rompkey: Honourable senators, my understanding is that devices are permitted in the chamber as long as they do not make noise or disturb other senators.

Some Hon. Senators: Oh, oh!

Hon. Terry Stratton: Honourable senators, I do not often stand in this place, but I must today. Who decides, other than the Senate, what interferes with other people? In my view, if I get the agreement of senators on this side that I can bring my laptop into the chamber and that everyone on this side can bring their laptops in, as long as there is no noise and as long as senators on the other side are not disturbed, that is perfectly all right.

That is the point to be made here. If we allow a device into this chamber, where does it stop? Where does it end before we have full-size laptop computers in here? What is the difference? Tell me.

Hon. Consiglio Di Nino: Honourable senators, it is simple: Let us find out what the rules say. If the rule is as described, then frankly it is something that I was not aware of, and I hope that the rule was not made just for the other side.

Some Hon. Senators: Oh, oh!

Senator Di Nino: Truly, I was not aware that we were allowed to bring these instruments into the chamber. My understanding is that they were forbidden by the *Rules of the Senate*. Let us find out. If that is the rule, then please clarify it for us.

Senator Kinsella: Honourable senators, I do not know whether the rules of the Senate apply any more.

Senator Robichaud: They do.

Senator Kinsella: On the outside chance that some reference may be made to them, I refer honourable senators to rule 19, which provides that:

During any sitting of the Senate...

(4) No person, nor any Senator, shall bring any electronic device which produces any sound, whether for personal communication or other use, into the Senate Chamber, whether on the floor, inside the Bar, outside the Bar or in the galleries; and

(5) The provisions of paragraph (4) above shall not apply in the case of sound amplification devices used to aid hearing, so long as such devices cannot be heard by other Senators.

Honourable senators, the key issue is the noise factor. Perhaps it needs to be studied by the Rules Committee because, while you may turn down the volume on all of your laptops and while sound may not be the issue, another sense, sight, can be an issue.

Senator Rompkey: The motor makes a noise.

Senator Kinsella: We had a discussion last year about the laptops used by our stenographers. They blocked views when they were opened up, and we made arrangements to deal with that problem.

Honourable senators, we should not ignore the rule that prohibits electronic devices, until such time as a rule is adopted positively stating which electronic devices can be brought into the chamber.

• (1510)

Hon. Anne C. Cools: Honourable senators, I have listened with a great deal of curiosity and bewilderment to what has been said.

Senator Rompkey's response is insufficient — as was Senator Kinsella's along with so many others.

Honourable senators, Senator Kinsella has put on the record the existence of rule 19(4), which relates to the question of the presence and the use of electronic devices in this house. What is at issue here is not the presence of an electronic device but the use of such equipment. The rule refers specifically to electronic devices that produce sound.

Honourable senators, we are misunderstanding the intention of the rule. The banning of electronic devices from the chamber has to do with the great privilege of Parliament, which is that the Houses of Parliament have exclusive cognizance and exclusive control over the recording, reporting, printing and publishing of its proceedings. That is the reason behind this set of rules.

For nearly 500 years — maybe a little less — Parliament has been very jealous about the reproduction of its proceedings. A host of rules, even laws, are in place about who can report and print parliamentary proceedings. This is what *Stockdale v. Hansard* was all about, the legitimate business of recording the Senate reporters and the reproduction and publication of parliamentary proceedings.

These people, the Senate reporters that we see here working so diligently quite often unnoticed, are zealously working to record and report every single word that we say. These rules are intended to protect this work of reporting our statements.

Let us keep things in perspective. What is crystal clear is that we have lost sight of the meaning of the maxim, lost sight of the meaning of the rule. Perhaps some clarification is in order.

Honourable senators, people are just not free to record in any way the goings on and the proceedings in this chamber. The rule also applies to strangers in this place.

The Hon. the Speaker: Do you wish a final comment, Senator Tkachuk?

Senator Tkachuk: I await a ruling from you, Your Honour.

The Hon. the Speaker: Senator Kinsella quoted rule 19(4). The operative words are "No person, nor any Senator, shall bring any electronic device which produces any sound..."

Senator Rompkey: Right.

The Hon. the Speaker: The rule continues as follows: "...whether for personal communication or other use..." Those are the operative words.

As to devices that fit within that rule, the rule speaks for itself — that is, devices that do not make any sound. This particular rule is the only one, I believe, that is relevant — although I have not checked Beaudesne. However, for our purposes, honourable senators, I will make the ruling based on our own rules that cover the subject, that is, that as long as the electronic device does not make any sound it does not offend our rules.

ORDERS OF THE DAY

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Trenholme Counsell, seconded by the Honourable Senator Massicotte, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the Third Session of the Thirty-seventh Parliament.—(5th day of resuming debate)

Hon. Wilbert J. Keon: Honourable senators, I am pleased to have an opportunity to speak to the address in reply to the Speech from the Throne from February 2. I do extend my congratulations to the government for being so ambitious in such a short period of time.

I wish to highlight some of the chronic and ongoing concerns of Canadians regarding our health system, concerns that were partly addressed in the Speech from the Throne.

A healthy Canadian society is built on the health and well-being of all Canadians in our communities. Canadians place a high priority on their health and expeditious access to a health care system that will meet their short- and long-term needs.

The Prime Minister announced that the Government of Canada would be able to provide a further \$2 billion in health care transfers to the provinces and territories this year. These funds will help to reduce waiting time, to improve access to diagnostic services and to provide for more doctors and more nurses.

As honourable senators will recall, the Standing Senate Committee on Social Affairs, Science and Technology studied extensively the lack of health care professionals in our system. The committee recommended, in its sixth volume, "The Health of Canadians — The Federal Role," numerous strategies to address the situation, including that

The federal government work with other concerned parties to create a permanent National Coordinating Committee for Health Human Resources, to be composed of representatives of key stakeholder groups and of the different levels of government...

This recommendation was not carried forth in the Speech from the Throne

The committee also recommended that the federal government

Work with provincial governments to ensure that all medical schools and schools of nursing receive the funding increments required to permit necessary enrolment expansion;

Put in place mechanisms by which direct federal funding could be provided to support expanded enrolment in medical and nursing education, and ensure the stability of funding for the training and education of allied health professionals;

Further down in the report, the committee further recommends that

The proposed National Coordinating Committee for Health Human Resources be charged with monitoring the levels of enrolment in Canadian medical schools and make recommendations to the federal government on whether these are appropriate.

Senator Lynch-Staunton: Order!

The Hon. the Speaker: Honourable senators, there is a lot of noise in the chamber. If honourable senators wish to carry on conversations, they can do so outside the chamber, so as not to interfere with the senator speaking.

Senator Keon: Thank you, Your Honour.

Further down in the report, the committee recommends that

The federal government work with the provinces to establish national standards for the evaluation of international medical graduates, and provide ongoing funding to implement an accelerated program for the licensing of qualified IMGs and their full integration into the Canadian health care delivery system;

Further in the report, the committee further recommends

An independent review of scope of practice rules and other regulations affecting what individual health professionals can and cannot do be undertaken for the purpose of developing proposals that would enable the skills and competencies of diverse health care professionals to be utilized to the fullest and enable health care services to be delivered by the most appropriately qualified professionals.

Honourable senators, I have believed for a very long time that this is a major defect in our system. We have highly trained specialists doing things that general family physicians can do. We have doctors doing things that nurses could well do. We have nurses doing things that other, less expensive health professionals could do. We simply seem to be incapable of addressing this.

This recommendation, if studied, could have far-reaching benefits for the health care system in Canada.

Similarly, the Standing Senate Committee on Social Affairs, Science and Technology recommended, in its "Reforming Health Protection and Promotion in Canada: Time To Act" volume released in November 2003, that a national strategy be established, as the Naylor report recommended, "to ensure an adequate supply of trained professionals in all aspects of health

protection and health promotion." The committee further recommends that this issue be addressed immediately in order to increase the numbers of professionals in the field. The federal government should take action to encourage on-the-job training to assist health professionals acquire the necessary skills.

• (1520)

I applaud the government for its focus on the creation of a new Canada public health agency that will ensure that Canada is linked, both nationally and globally, in a network for disease control and emergency response. However, I am deeply concerned that the \$2 billion that is being put into the system will go as a block transfer without the implementation of many of these recommendations, which are necessary.

Honourable senators will recollect that this chamber's Standing Senate Committee on Social Affairs, Science and Technology also recommended that the agency should concentrate and focus federal resources; enhance collaboration amongst various levels of government; promote the integration of health promotion and prevention activities; allow greater timeliness and flexibility in responding to emergencies; improve and focus communication; enable a longer-term planning horizon; and, better attract and retain health professionals because of increased competition from other countries.

The committee also agreed with the Naylor report that a separate arm's-length agency reporting to the federal Minister of Health is the best option and the quickest path to the creation of the agency.

The committee recommended that the chief public health officer of Canada, appointed by the Minister of Health, head the new agency. The government is proceeding with this appointment.

In respect of innovation and research, the Government of Canada has helped to lay the foundation with its investments in basic research — \$13 billion since 1997 — and will build on the National Research Council's experience to improve and commercialize the fruits of Canada's research.

In 2001, in the Speech from the Throne, the government committed to at least double the current federal investment in research and development by 2010. That same year, the government committed to provide a further major increase in funding to Canada's Institutes of Health Research to enhance their research in disease prevention and treatment, the determinants of health, health system effectiveness, among other health-related areas.

Last week's Speech from the Throne makes no mention of additional funding for the CIHR's base budget. This is a truly serious problem that I will refer to a bit later.

In 2001, the U.S. National Institutes of Health reported that its budget was 50 times greater than Canada's CIHR budget. On a population basis, we should expect it to be 10 times larger. President Bush has just announced that he is doubling the funding to the NIH budget, so research investment in America will be 100 times that of the research investment in Canada.

I should also like to say a few words about foreign aid. The government has a dream of devoting no less than 5 per cent of our research and development investment to a knowledge-based approach to develop assistance for the less fortunate countries.

I agree that Canada has the moral responsibility to share the wealth and knowledge that we possess. I am pleased to hear the re-tabling of an act to amend the Patent Act and the Food and Drugs Act, now to be titled the "Jean Chrétien Pledge to Africa Act," amending the Patent Act and the Food and Drugs Act to facilitate access to pharmaceutical products to address public health problems afflicting many developing and least developing countries — especially those resulting from HIV/AIDS, tuberculosis, malaria and other epidemics.

Honourable senators, we are not only in a privileged and powerful position to ensure our own capabilities of containing and dealing with our national health crisis, we are also in a position to pursue and safeguard global health objectives in the name of humanitarian and compassionate values that have long been enshrined in our foreign policy.

Today, as we sit in this chamber, 8,000 children will die of malaria in the underdeveloped world. These children could have their malaria cured for 3 cents U.S. or 5 cents Canadian. 8,000 children will die while we are sitting today. Three million lives are lost every year through vaccine-preventable disease. Diseases such as malaria do not just kill people — which is disaster enough — but they isolate places in the world by cutting them off from trade and investment.

Professor Jeffrey Sachs, director of Columbia's Earth Institute, has argued that if the industrial countries contribute one cent to a health fund out of every \$10 of national income, \$25 billion would be raised, saving millions of lives.

There is a sensitive counter-argument to this. Those who feel that overpopulation is a major problem in the developing world raise the issue of treating these diseases and allowing these countries to populate themselves to the point where they simply cannot produce enough food. This argument is raised over and over. I do not think it is a legitimate argument. History has demonstrated very well that as humankind evolves, as civilization evolves, population controls itself. If we spent a little more time trying to help these people out of their problems, I believe the populations would come under control.

Indeed, we are watching over the creation of the greatest culture plate for the growth of infectious disease that the world has ever seen. It seems to be just a matter of time until the floodgates open and a mutant pathogenic organism goes wild, threatening the entire global community. In addition to sustaining our own population in a state of good health, we must look beyond our borders.

When we look at where we are regarding health and where we have to go, we must first acknowledge some bright spots. We have improved access in some provinces with 24-hour health advice lines. We are making some progress in primary care pilot projects

with community clinics and 24-hour, seven-day-a-week service. There has been additional funding for health information in information technology, health promotion, and disease and injury prevention, and there has been a marked increase in awareness about public health. We are making some progress.

However, there remain two major concerns: access and fiscal sustainability. We know that adding more funding in certain areas like diagnostic imaging still does not reduce waiting lists. Lacking fiscal sustainability and a careful plan just simply will result in access becoming increasingly difficult.

Fiscal reform is in abeyance, and we should not and cannot expect the governments of provinces to take any unpopular decisions in the near future — even though many provinces are literally facing bankruptcy under the current system. Nova Scotia will soon be spending 50 per cent of its budget on health alone.

The First Ministers' Accord on Health Care in 2003 committed a large portion of future federal surpluses to health care, but what happens when there are no surpluses? What happens when there is no money? This is not any plan for fiscal reform.

• (1530)

As a nation, we must address the entire issue of the fiscal sustainability of our health care system. We must present clear choices to our population so they can debate the issues and develop a fiscally responsible solution to the problems with our health care system.

Hon. Joan Cook: Honourable senators, I am pleased today to address two aspects of the government's Speech from the Throne. They deal with health issues pertaining to social affairs and the fishery, two Senate committees of which I am privileged to be a member.

As with many senators, whenever I look at a Speech from the Throne, I look at it from a regional point of view. I believe that is appropriate and consistent with the purposes of the Senate. I am pleased with the government's commitment respecting health care and social development. In this respect, it is clear that federal health policy is taking steps in that direction.

I commend the government in applying its evidence-based approach in an area that is important to all Canadians, that is, health care reform. I applaud the government for its commitment to strengthening Canada's social foundations, in particular as it relates to Canadians with disabilities.

We know that the government has committed to spend much more money on health care. That is good, but what is better is the way the government has changed the method of spending money on health care. The OECD says that we spend more than all other countries with similar universal health care systems. However, with all that spending, we do not have the best health outcomes. This is where evidence-based policy-making becomes important. It has become clear over time that producing the best health care

outcomes, such as lowering the mortality rates for certain diseases, is not simply a question of more spending. Canada already spends more than everyone else, but our outcomes are not better.

The Speech from the Throne said that waiting lists in the country are too long and have to be shortened. This is a priority. Information on waiting times is hard to come by. For many years, we have increased funding for health care in Canada, but we have seldom demanded the establishment of accounting policies that would allow us to see what is really going on in the health care system. Before anyone can really fix anything, we must first decide what it is we are looking at.

When it comes to making waiting lists shorter, a couple of useful comments can be made. First, Canadian statistics seem to show that the provinces that spend more money per capita on health care do not have shorter waiting lists. There was no correlation between the two. One of the problems in our health policy is that we spend the most money in the OECD, but then in the number of doctors per capita, we are seventeenth; in the number of CT scanners per capita we are sixteenth; in the number of MRIs per capita we are fourteenth; and in radiation equipment per capita we are eighth. The premiers have made money the main issue, but in my opinion, they are not spending it as efficiently as the rest of the OECD.

Assuming that waiting lists are associated with a shortage of doctors and medical devices, why do we not have the most MRIs per capita to go with our highest spending per capita, rather than being fourteenth? Why do we not have the most physicians per capita to go with our highest spending per capita, rather than being seventeenth? If these points were properly examined we would be further ahead.

The government's focus on medical technology is tied to our waiting list problem because they are a function of persons and technology. Fix the technology shortage and we will have gone a long way to fixing the problem. Fix the physician shortage and we will have gone a long way further to fixing the problem.

When I read studies about what Canadian doctors say about what they think are reasonable waiting times, in 90 per cent of cases Canadians wait longer than the reasonable period for treatment, and this has to have some effect on the outcomes of care. All of this is aimed at one main point: Waiting lists are important.

This does not suggest, however, that we must adopt a new health care system; rather, it suggests that there is good reason to fix the waiting lists. It is good federal policy to pay close attention to this in dealing with the provinces on health care. Incidentally, it reinforces what the Kirby report said some time ago.

We know that the federal government is somewhat aware of the importance of these issues. In the 2003 First Ministers Health Accord, waiting times and volume measures for defining waiting times were, I believe for the first time, laid out as a requirement of

federal funding. It is always hard to measure oneself against a standard. Better to have vague and undefined standards so that no one can say you failed to meet them. Thankfully, it seems that Canada's first ministers have taken the tough road and agreed to gather and publish these statistics.

Honourable senators, the second point I wish to touch upon is the commitment needed to support Canadians with disabilities and their families. The 2004 Speech from the Throne states:

We want a Canada in which citizens with disabilities have the opportunity to contribute to and benefit from Canada's prosperity — as learners, workers, volunteers, and family members.

Right now, the statistics are astounding in Canada. Of the 3.5 million adult Canadians with disabilities, 20,000 are confined unnecessarily in institutional care; 60 per cent need assistance from others, the majority of this help coming from family members. Among children with disabilities, 30 per cent have parents who indicate they need backup support. Over 50 per cent of their parents indicate their employment is negatively impacted because of their unpaid caregiving responsibilities. Some 40 per cent with intellectual disabilities are not yet fully included in regular education.

The Liberal government pledges to start working with the provinces and territories to fill the gaps in education and skills development, in workplace supports and workplace accommodation for people with disabilities. The government also assures Canadians that there will be an improvement in the fairness of the tax system for people with disabilities and their supporting families based on the findings of the Advisory Committee on Tax Measures, which will report this fall and will implement early actions in areas of priority. I applaud the government and feel it is exceedingly important to follow through with this commitment to advocate the value of fairness and equality of all Canadians.

Honourable senators, I would like to switch gears now and briefly touch on a matter that is sincerely fundamental to the people of my province of Newfoundland and Labrador — the fishery. Again, the 2004 Speech from the Throne states:

The objective of the Government is to ensure that every region of the country has the opportunity to move forward, socially and economically, on a rising tide of progress...by building on indigenous strength.

The Government will place increased emphasis on opportunities to add greater value to natural resources through application of advanced technology and know-how; on opportunities to develop Canada's energy resources and be a leader in environmental stewardship; and on opportunities to maximize the potential of our vast coastal and offshore areas through a new Oceans Action Plan.

Honourable senators, I have been a member of the Standing Senate Committee on Fisheries and Oceans since I came to this place six years ago. During that time, we have worked on and produced a number of outstanding reports relating to the conservation and protection of one of the renewable resources in our ocean waters — fish. They include reports on fish habitat, straddling fish stocks in the northwest Atlantic, aquaculture in Canada's Atlantic and Pacific regions, and selected themes on Canada's freshwater and northern fisheries.

• (1540)

I am encouraged by this plan, and my natural curiosity prompts me to anticipate that components of it will be carried forward to address the emerging issues of the fishery in addition to the oil and gas industry — issues of conservation, protection of a healthy fish habitat and proper management of renewable resources.

Honourable senators, living in a global village is now the norm. We daily live with the reality of mad cow disease, avian flu, the spread of SARS and the emerging concerns in the aquaculture industry. It is therefore essential that we as Canadians, through an oceans action plan, pay particular attention to protecting and successfully managing the protein source that lives in the water column of our oceans, as well as the species that live on the ocean floor and the resources beneath the floor.

More research is needed to enhance the opportunities for oil and gas exploration in deeper water and well beneath the ocean floor. The application of advanced technology and know-how will be our challenge for tomorrow.

As a matter of interest to honourable senators, the Hibernia oil field, which was permitted to produce 80 million barrels of oil this year, sits in 80 metres of water. Exploration licences were granted in January of this year for the new Orphan Basin, in which possible depths range from 200 metres in the west to over 3,000 metres in the east.

Honourable senators, we must bring about a balance of all resources found at sea and maintain a sustainable level of production. As we share in opportunity, so will we share in prosperity. I believe we are on the right track, and working together we can and will move forward.

I will conclude with a quote of particular relevance. Emerson said: "Nothing good is ever achieved without enthusiasm." Perhaps it is also correct to say that nothing good is ever achieved without criticism.

Hon. Terry Stratton: Honourable senators, we are told that Paul Martin will address the democratic deficit. We are told that he will not govern like his predecessor. Which Paul Martin are we talking about? I may not have agreed with everything that the former Prime Minister said or did, but the fact remains that Jean Chrétien and not the current Prime Minister won the last election.

Honourable senators, is the Paul Martin who wants to strengthen democracy the same Paul Martin who rushed to push a democratically elected prime minister out the door by

taking over his party, securing an early leadership convention date and then denying membership forms to his rivals? Is this the same Paul Martin who has hired the son of the Chief Electoral Officer to work on his political staff? Who is he going to hire next — the Ethics Counsellor's brother in law? Is this the same Paul Martin who helped write the long-forgotten 1993 Red Book with its various promises about restoring democracy, or the one who sat in cabinet for eight years completely ignoring that same Red Book?

The Red Book promised an independent ethics commissioner more than 10 years ago. Under Bill C-4, the ethics commissioner will be marginally more independent than before but will be far from fully independent. Parliament will confirm the appointment of an Ethics Counsellor hand picked by the Prime Minister but will play no role in any subsequent reappointment five years later.

We learned a few weeks ago that the salary of the Ethics Counsellor is partly based on performance. If the government is happy, he gets a bigger paycheque. How independent is that?

When Mr. Wilson had to make a call as to whether the former or current Prime Minister or other ministers were in a conflict, they were cleared every time. The former Prime Minister, not the Ethics Counsellor, had the final say in whether ethics guidelines had been violated. So far, nothing has changed.

Perhaps everything is above board and there has never been a breach of ethics guidelines. However, as long as the Ethics Counsellor is anything less than 100 per cent independent, forgive us for being more than a little skeptical.

Parliament is to be given the power to review appointments. There is nothing new about this promise. The 1993 Red Book told us that the Liberals would "establish mechanisms to permit parliamentary review of some senior Order in Council appointments." Where are we today with respect to that? Will Parliament be allowed to review senior appointments? I do not think so.

On October 29, 2002, after he was out of cabinet and not bound by the convention of cabinet solidarity, Paul Martin voted against an opposition motion that called upon the government to refer such appointments to committee for review. The Throne Speech tells us that:

The Government of Canada is determined to return Parliament to the centre of national debate and decision making...

Was this speech delivered on behalf of the same Paul Martin who used time allocation no less than 13 times as finance minister? Was it delivered on behalf of the same Paul Martin who had no problems when the previous government used time allocation a total of 80 times to get its way? Is this the same Paul Martin whose government took less than a week to invoke time allocation on debate in this current session? Is this the same man?

Honourable senators, Paul Martin's Action Plan for Democratic Reform tells us that:

Parliament should be a national forum for debating and shaping national policies and legislation.

Is this the same Paul Martin who, together with most of the rest of those sitting on the government side, stood up immediately after the Government House Leader had spoken to the plan and left, not having the respect to stay in the chamber and listen to the opposition respond to his plan for democratic reform?

Is this the government led by the same Paul Martin who kept Parliament shut down during the last three weeks of January? Parliament cannot hold the government accountable when it is prorogued for weeks on end because neither the outgoing nor the incoming Prime Minister wants to face it.

The Speech from the Throne promises greater "financial accountability in how we govern." Is this the same Paul Martin who placed billions of dollars outside the control of Parliament through foundations?

Honourable senators, the Auditor General began objecting to these foundations from day one, back when, in 1996, the government started using this device to shift money from one fiscal year to the next. In her April 2002 report, she said:

The federal government has paid billions of taxpayers' dollars to private foundations and other delegated arrangements set up to achieve public objectives, transferring the funds years before Canadians receive the intended benefits. The government has delegated program responsibilities to these arrangements, but they are often beyond the reach of Parliament's scrutiny. We found that the essential requirements for accountability to Parliament — credible reporting of results, effective ministerial oversight, and adequate external audit — are not being met.

Those are the words of the Auditor General.

Honourable senators, we are told that there will be "greater transparency." Is this the same Paul Martin who never told Canadians that even though his holdings were in a blind trust, he was regularly briefed on them? Is this the same Paul Martin who moved at a snail's pace to correct misleading information about his business dealings with Ottawa?

• (1550)

For that matter, was he the one who moved to make the correction? Last October, former Government House Leader Don Boudria publicly acknowledged that the original figure was wrong and ordered his officials to make further inquiries. Paul Martin's only role in this was damage control.

Honourable senators, control of the public purse is at the heart of parliamentary democracy.

Is this the same Paul Martin who, as vice-chair of cabinet's Treasury Board committee, agreed no less than five times to advance contingency funds to pay for new gun registry spending before Parliament had a chance to vote the money?

Is this the same Paul Martin who one day promised more free votes, then qualified it the next to say there would be no free vote on funding for gun registry in this session?

Is this the same Paul Martin who, without seeking legislation from Parliament, sent out heating rebate cheques at end of January 2001 to convicts, to people who were no longer living in Canada, and to the grateful dead?

The Speech from the Throne promises good management of government. Where was Paul Martin during the HRDC fiasco? Where was Paul Martin when the gun registry was piling up a \$1-billion price tag? Where was Paul Martin during the sponsorship boondoggle? He was writing the cheques — no questions asked.

Honourable senators, like all Canadians, I was shocked by Tuesday's Auditor General's report. The government had an advance copy of the Auditor General's report in October so that it could respond. The report itself, including the government's written response, went to print in early November.

The Prime Minister knew enough to cancel the sponsorship program on his first day in office; yet, we are asked to believe that he just recently learned the full details. By the way, some of the programs are ongoing, as we heard earlier today.

Why did Prime Minister Martin wait until the report came out to recall Alfonso Gagliano? Why did he not act immediately upon taking office to remove anyone who was touched by this scandal?

We are asked to believe that the Prime Minister was blind to the fact that the government ran the sponsorship program in a way that showed little regard for Parliament, the Financial Administration Act, contracting rules, transparency and value for money. We are asked to believe this in spite of the fact that he was a senior member of cabinet from the province of Quebec, the Minister of Finance, and the vice-chair of the Treasury Board committee. We are asked to believe that no one in his vast network of supporters throughout Quebec told him what was going on.

Multiple transactions with multiple companies, artificial invoices and contracts, or no written contracts at all, appear to have been designed to move money from the sponsorship program to communications agencies and back to Crown corporations. This was done while hiding the source of funding and the true substance of the transactions. The key Crown corporations involved include Canada Post, VIA Rail, Business Development Canada, Old Port of Montreal Corporation Inc., and even the RCMP. Yet, Paul Martin did not know what was going on.

Honourable senators, if you look at today's *Winnipeg Sun* you will read the following:

Quebec Liberal MPs say they raised red flags about the huge sponsorship commissions being raked in by ad agencies as far back as 1999.

Montreal MP —

— a Liberal MP —

— Marlene Jennings said she brought up the issue in caucus — which was attended by the then-finance minister Paul Martin — even before the 1999 internal audit.

"I was asking questions of why there were commissions, because the companies weren't doing anything," Jennings said. "It's my sincere conviction that it's precisely because ordinary MPs were asking questions that an internal audit was conducted of the program."

Quebec MP Georges Farrah said the alarm was sounded in the Liberal weekly caucus meeting, and pressure from MPs led to former public works minister Alfonso Gagliano being shuffled to Denmark.

Can you believe that, honourable senators?

Even if Paul Martin were not paying attention in caucus, surely he must have wondered why Mr. Gagliano was not only no longer in cabinet, but no longer in the country where the media would have easy access.

Honourable senators, while violations were neither detected, prevented nor reported over four years, this program ran up \$250 million of taxpayers' money, with \$100 million going to commissions and fees to Liberal-run communications agencies, often at inflated prices, or for work not done.

The government paid hundreds of thousands of dollars to move money from one government account to another. Can you imagine moving hundreds of thousands of dollars from one account to the other, honourable senators, in violation of the Financial Administration Act?

We have the spectre of the RCMP, which has been called in to investigate sponsorship fraud, itself being named for missing bank records.

Honourable senators, ministerial accountability is at the heart of our parliamentary system. The Prime Minister is trying to put blame anywhere he can, while refusing to accept responsibility. He is naming names, but he is not naming himself nor those around him.

Honourable senators, I regret that, while the parliamentary reforms outlined in the Speech from the Throne and in the action plan are noble and worthy objectives, the Prime Minister's past record and his handling of the sponsorship fiasco make it hard for anyone to believe that anything has changed or will change.

Hon. Terry M. Mercer: Honourable senators, I was a little nervous after Honourable Senator Keon's speech. After hearing what he told us about children dying around the world, we should have adjourned to concentrate on the issues he raised, because they are indeed very important.

I should like to congratulate the new leadership, Senators Austin, Rompkey and Losier-Cool, as well as to thank the previous leadership and Senator Carstairs, who disguises herself as Manitoban, but is, as we all know, a Nova Scotian, and we are very proud of her for that.

As well, I wish to thank the Speaker of the Senate, Senator Hays, who is an old friend and colleague. I had the pleasure of serving with him when he served as President of the Liberal Party of Canada and as chairman of our national revenue committee.

This is my first official speech to this chamber, and it is an honour for me to be here and to know that I am following in the footsteps of Harold Connelly and Allan J. MacEachen.

I should also like to thank Senator Wilfred P. Moore — a fellow Nova Scotian — who sponsored me and has been my friend for many, many years. I particularly want to thank him for the remarks he made last week, for paying tribute to me, in introducing me to me in this chamber and for the kind words he said about my father.

The loss of my father was a tragic, sudden event in our family, a man who was 85 years old and never sick a day in his life, including the day he died. To us, he was a war hero, a great father, a friend, and a quite a funny guy for anybody who ever met him. Over my years in this place, you will hear a number of stories from me. If they are funny stories, they are my father's stories; if they are not so funny, they are probably mine. However, there are enough of them to keep me going, I think, for the 19 years.

All my father's grandchildren and great grandchildren can each remember at least five of his stories. One of my friends summed it up this way: When they saw the twinkle in my father's eye, they knew they were about to be told a story. At my father wake, his oldest brother said to me, "You know, all of your father's lies were true." I am not sure that we cannot adopt some of that here.

Most of all, honourable senators, I want to thank the person who I think will go down in history, as history is written, as one of the greatest prime ministers in Canadian history, the Right Honourable Jean Chrétien.

• (1600)

I am honoured that my friend of 22 years and leader of our party for 13 years saw fit to send me to this place. I hope that in my years here I will live up to that confidence he placed in me.

In the coming 19 years you will hear me many, many times remind all senators of the great Chrétien legacy. For example, there are the Millennium Scholarship Fund; Child Tax Benefit; balanced budget after balanced budget; deficit reduction; electoral finance reform; gun control; decriminalization of marijuana, which is pending; the Kyoto Protocol; not going to war in Iraq; the Africa initiative; same-sex benefits and marriage, which we are

still discussing; and the most important and longest lasting, the Clarity Act. I am very proud to be associated with someone like Mr. Chrétien who was able to accomplish so many things. My support for Mr. Chrétien's legacy will be in the Senate not only for the opposition's benefit but also for honourable senators in the caucus. I will remind them not to forget the legacy of Jean Chrétien over the years and those of us who have been sent here by him.

Honourable senators, I will speak to the Speech from the Throne — the first in the Martin era and a good first speech. In respect of encouraging regional development, which was high on the order, I was pleased to note that the government will ensure that every region of the country has the opportunity to move forward socially and economically on a rising tide of progress. The government will support economic development activity through the regional agencies across the country. On page 18 of his address in reply to the Speech from the Throne, the Prime Minister said:

A place where the voices of all of Canada, all of its regions are included. What does that mean? ... that the hopes and dreams of Atlantic Canada as reflected in the report, "Rising Tides" are realized.

As honourable senators know, "Rising Tides" is a document produced by the Atlantic Caucus of the Liberal Party and a document of which I am proud to be associated, now that I am a member of the caucus.

As well, I was particularly pleased to see in the Speech from the Throne, a mention of the Sydney Tar Ponds. It was not a mention but a strong commitment to the tar ponds, finally. I would hope that the next time we have a Speech from the Throne we will be able to talk in the past tense about the Sydney Tar Ponds. The Prime Minister said:

We are committing \$3.5 billion over 10 years to this goal. ...And we aren't stopping there. We need to do more. More for Sydney, Nova Scotia, for example, where the tar ponds have stood as a national disgrace — a relic of an unsustainable past.

It is about time we get on with this and it is about time the Government of Nova Scotia moved along with this. The federal government has made the commitment and it is about time we got this done. I am in Sydney this weekend to speak on Sunday afternoon. I hope that it will be one of the last times I go to Sydney and see no work happening on the clean-up of the tar ponds.

I was also pleased to see in the Speech from the Throne our continued commitment to health care — to provide an additional \$2 billion health-care transfer payments to the provinces and territories. As well, a new Canada public health agency will be established that will link Canada in a network of disease control — obviously something we need to do after the SARS outbreak. I was also pleased to see that we will appoint a new chief public health officer for Canada.

It was heartening for me, as a city boy, to see that our commitment to municipalities was honoured quickly in the Speech from the Throne. We will provide all municipalities with full relief from the portion of the Goods and Services Tax that they now pay. This will provide \$7 billion of stable new funding over the next decade. What a tremendous contribution we have made already to help stabilize the funding of our cities, towns and rural communities.

I am interested in life-long learning and so I was pleased to see in the Speech from the Throne that we will modernize the Canada Student Loans program and that we will provide a new grant for low-income students to cover a portion of the tuition cost for the first year of post-secondary education. This, I think, is probably one of the most important things in the Speech from the Throne and I will concentrate on it during my years in the Senate.

To help care for our children, the government will accelerate initiatives under the existing multilateral framework for early learning. We will extend the Understanding the Early Years project to at least 100 more communities.

As well, I am honoured to be a member of the Senate Aboriginal Committee and I was pleased to see in the Speech from the Throne a commitment that we will work with the provinces, the territories and Aboriginal partners in a renewed Aboriginal Human Resources Development strategy; and that we will expand the successful Urban Aboriginal strategy.

Over the next 19 years, I will have a number of issues that I want to champion in this chamber. I feel that while we have made some great progress in promoting and funding education, much more needs to be done. We need to work to help break the poverty cycle by ensuring that all Canadians, regardless of their economic circumstances, have the opportunity to receive the best education possible. That will help them to realize their full potential.

In Nova Scotia, we have 11 universities. Senator Moore and I will both tell you that St. Mary's is the best of the 11, however they are all very good. These universities have the infrastructure and resources that we are not fully utilizing. All of these institutions have a well-trained faculty and a huge appetite for knowledge through research. We need to think of all of Nova Scotia as a centre of excellence, using all of the human resources available. The possibilities are endless. Honourable senators, a full, creative use of these great resources will create jobs and will help to close the education and poverty gap.

There has been a great deal of talk in the house, in the other place, publicly and certainly in my party, about western alienation. I may alienate some western senators with my next few remarks but I do want to pay attention to the comments about western alienation because they are real.

The Reform, Alliance, Conservative Party — or whatever you are called this week — states that the West wants in. Well, we in Nova Scotia have been in from the get-go. What we want is not in but rather we want our share of government contracts, government programs and greater support for education. As the House fisheries committee has at least twice recommended, we want the Department of Fisheries and Oceans to be divided between the east and west coasts. Perhaps the larger group could be moved to the old Shearwater Airport in Halifax. God forbid that somebody from DFO might actually bump into a fisherman because that would be a startling thing.

Nova Scotia wants more of the off-shore revenue — we want our share. In keeping with this, I am concerned with the preoccupation of this government with allowing or welcoming the West in because it may forget the East. While I support the West's desire to want in and overcome western alienation, I hope that in the process, the east is not forgotten.

I am here to ensure that Nova Scotia never slips off the government's radar screen. I hope that I am able to fulfil that commitment over the next 19 years.

On motion of Senator Kinsella, for Senator LeBreton, debate adjourned.

• (1610)

REPRESENTATION ORDER 2003 BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kinsella, seconded by the Honourable Senator Stratton, for the second reading of Bill S-7, respecting the effective date of the representation order of 2003.
—(Honourable Senator Rompkey, P.C.).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, given the state of this bill at this point in time in the Senate chamber, I thought I would rise this afternoon to make a few comments. In doing so, I would like to draw two images to mind. The first is that of the salamander. I ask you to reflect on that what that reptile looks like.

Senator Keon: Not pretty.

Senator Kinsella: It is not very pretty, as Senator Keon reminds us. However, consider the second image — that is, think of the governor of the State of Massachusetts, who served in the early 1800s. I am referring to Governor Elbridge Gerry. Governor Gerry was the person who gerrymandered the ridings in that state so that it ended up looking in the form of a salamander. Thus, we now have that phrase “gerrymandering.” Gerrymandering is not only when a political party attempts to modify the boundary lines of electoral districts in the order of geography or place, there is also gerrymandering when there is an attempt to get political advantage by changing boundaries in the order of time.

As with all of the accidents, time and place being but two — and Senator Murray will recall the nine accidents of Aristotle when he analyzes the nature of being itself and the substance and accident.

[Senator Mercer]

Senator Rompkey: That is what I like about the Senate.

Senator Kinsella: Of course, Aristotle pointed out that people, by nature, are political. Indeed, this is very important in our country.

Senator Rompkey: That was vital politics.

Senator Kinsella: It was absolutely vital. It is part of human nature to be political, as Aristotle says in book four of his metaphysics.

Honourable senators, under our Westminster system, the parliamentary democracy model has worked well in Canada for 137 years. I believe the practice of freedom has enjoyed a grand success in Canada since 1867. I challenge those who would think otherwise to point out a system of governance that yields a greater level of freedom than that which we have enjoyed in Canada. Show me that regime and I submit you will be hard pressed to demonstrate a government that has shown the level of parliamentary freedom as we have in Canada. I know that honourable senators concur in that.

Honourable senators, what is the cornerstone, the foundation or the basis of our Canadian parliamentary democratic system? I suggest to honourable senators — and I think that I will find agreement in this house — that it is the existence of political parties. Political parties are what make our parliamentary system of governance work. I say, therefore, honourable senators, that political parties are a good thing, not a bad thing. Political parties are a necessary thing for our system to work.

Unfortunately, too many of those in the media really do not understand our parliamentary system, but that does not restrain them from writing lots of things about our system, about what goes on in Parliament and about what goes on in our legislative assemblies across Canada. Notwithstanding their ignorance of our system, they are quick to make the case that, somehow, political parties are bad things and that those who participate in political parties are bad people. Honourable senators, they are wrong. They do a disservice to Canada; they do a disservice to our system of governance.

This leads me to the electoral process. Our electoral process is operated on the basis of our political parties organizing themselves. By and large, honourable senators, that organization takes place by volunteers — that is, by publicly spirited Canadians who come forward to participate in the political party of their choice across this great land. Thank heaven that we have those volunteers, those Canadians who come out and support and help to grow the political party of their choice.

Elections are held and political parties, with their volunteers, do all the work that we know they do to identify candidates, to identify people in their communities, to seek nominations, to work in their communities, to win the nomination battle, and to become the candidate of their respective party. Then the parties themselves, on a national basis, draw together to choose a

leader to lead the party in the national sphere or the provincial sphere. All the work that is done by these volunteers to develop the policies of those respective parties and understanding that it is within the walls of the party system itself that competing ideas are laid on the table thus opening a forum for debate that is often rigorous and challenging. At the end of the day, however, our respective political parties bring together a catalogue of "doables" that that party wants to lay before the respective directorate.

We have seen many developments at the federal level within all of the political parties that have been active on the federal stage over the past year or the past 10 months for sure. I spoke here in this house before Christmas. I had the opportunity to express the view during Senators' Statements much along the same thesis — namely, that political parties were good and necessary and that political parties of the day were going through a period of discernment. The governing party was going through a period of leadership change and discernment where there was conflict and competition. I argue that is a good thing.

The Conservative parties also went through a period of great discernment. Many of us never, ever expected that what happened last fall, when the members of the Canadian Alliance Party and the members of the Progressive Conservative Party agreed to an outline of certain principles such that, if the members of those respective parties agreed, they would come together to reunite once again and sit in Parliament as the Conservative Party of Canada.

Honourable senators will realize that within the membership for those parties, there was 90 per cent support. The members of the Conservative Party and the members of the Canadian Alliance Party agreed to those principles and the Conservative Party of Canada was established. Currently, the Conservative Party of Canada is working assiduously in the development of its policy, in the development of a catalogue of "doables" that it would lay before its membership and lay before the Canadian people at election time. At the same time, not only the Conservative Party but also all parties are going through the process of reorganizing on the basis of 308 ridings because the legislation that has been adopted has created the extra ridings.

• (1620)

Rather than 301, there are now 308. All of the federal political parties are reorganizing themselves, having their conventions at the riding level within the boundaries of 308 ridings, not 301, all in anticipation of going to the Canadian people in a democratic election in 308 ridings across Canada.

In addition, the Conservative Party of Canada is holding founding meetings in each one of the 308 ridings. One can imagine — and many in this room have a great deal of political experience — the amount of work that would entail. Many in this room know that this work is being done by volunteers, publicly spirited Canadians who are prepared to give up their time to work in the public interest, they argue, to help in the establishment and founding of 308 new Conservative riding associations across Canada.

It does not stop there, honourable senators. The Conservative Party of Canada is also engaged in a national leadership campaign. The date for the election of the leader is the weekend of March 20. All parties have the same challenge in terms of election preparedness — the identification of candidates — but when a party is faced with the challenge of holding founding meetings in 308 ridings as well as the rather rigorous leadership campaign that is underway, one can appreciate that hundreds of thousands of Canadians are engaged, on a voluntary basis, in making our political party system work and in making, therefore, our democratic parliamentary system work.

When I look at the current legislation that has established the 308 ridings coming into force, as proclaimed, on August 25, I have to ask the question: Why, under the reality of the current times, would any government seek to take advantage of one of the major political parties when it is going through this process, a process which they, in a different way, with different circumstances, went through in the fall of last year? Why would they not want to stick to the date of August 25, which is in the law?

One may come up with a variety of reasons why the government may want to move the date, as it suggested in Bill C-49, to April 1. Some might argue that the current Prime Minister would want to have a mandate; one can understand that argument. Upon reflection, the Canadian people would like to have a mandate, a mandate to have the opportunity to see what the restructured political parties want to propose to the Canadian people. Let us have a level playing field. Let us have a fair election. Let us not gerrymander in the order of time from August 25, which is in the law, to April 1, some eight or nine days after the Conservative Party of Canada has elected its leader. It is not fair; that is the bottom line.

Honourable senators, in recognizing and attempting to understand the dynamics of real politics, theoretically if not practically, perhaps the Prime Minister has a good case. He was chosen under certain circumstances. Maybe it was not his fault that the former Prime Minister waited until he did to place the current Prime Minister in the situation that he is in now. On the other hand, that is the reality or the lay of the cards that he has been dealt.

Bill C-49 speaks to a date of April 1. That is the early election date the Prime Minister is looking for. The law currently says August 25. In the spirit of Canadian compromise, I suggest we find a date somewhere in between, to be fair, to have a level playing field.

Senator Robichaud: Would that not be gerrymandering?

Senator Stratton: Do you admit that you are already doing it?

Senator Robichaud: I am talking to the argument already made.

Senator Kinsella: Here is the distinction, honourable senators. Senator Robichaud makes a good point. Gerrymandering is when ridings are changed to unfairly advantage one political party. I am suggesting that we find a compromise that would be agreeable to all the political parties as representatives to Parliament. Look at the published sitting calendar for the members of the House of Commons. They are scheduled to sit until June 23. That is roughly half-way between what Bill C-49 wanted, April 1, and what I suggest, namely, staying with the date of August 25 as stated in the law.

We have a new government and the Speech from the Throne has laid out a full program. Either that program was a fraud, a sham and not really meant to be, either they did not intend to bring in a program of legislation to implement anything contained in the Throne Speech until after June 23, or they are indeed interested in doing those things and can stick to the schedule. What I am proposing does not interfere with that. I propose, in Bill S-7, that the order that would bring the 308 ridings into operation be moved forward. I prefer it later, no doubt, but bring it forward to the last day that members of the House of Commons are scheduled to sit as indicated in the published calendar.

For all of those reasons, honourable senators, I would call for the question to be put and for this motion to be adopted.

Hon. Bill Rompkey (Deputy Leader of the Government): I move the adjournment of the debate.

Senator Kinsella: I had moved the previous question.

The Hon. the Speaker: Do you want to repeat that, senator?

Senator Rompkey: If there are questions, honourable senators, I would be glad to hold my motion until they have been answered.

The Hon. the Speaker: Honourable senators, Senator Kinsella has finished his remarks. Senator Rompkey has moved adjournment of the debate. I think Senator Kinsella wants to move a motion, but I have a motion put by Senator Rompkey to adjourn the debate that I feel obliged to put.

Senator Stratton: No, no.

• (1630)

Senator Kinsella: Before I sat down, I asked that the question to adjourn second reading debate be put.

The Hon. the Speaker: I will have to check the record, Senator Kinsella.

Senator Stratton: No.

The Hon. the Speaker: I should like to confirm with regard to the record. We will suspend the sitting for a few minutes.

The sitting of the Senate was suspended.

The sitting of the Senate was resumed.

The Hon. the Speaker: Honourable senators, I have just checked the record, and we are at a stage in the proceedings when our rules provide that the previous question can be put.

Senator Kinsella, according to the record, put his motion before there was any other intervention. Accordingly, I will put his question —

Senator Rompkey: Mr. Speaker, I want to be clear on what is taking place now. As I understand it, there is a motion that the question be put. Is that the motion?

The Hon. the Speaker: We took a few minutes to verify the record because I wanted to be sure that your standing and putting a motion to adjourn the debate was not, in fact, the last matter that I, as presiding officer, heard. Senator Kinsella pointed out to me that he had — and I was not paying as close attention as I should have been — put the motion that the previous question be put, when he concluded his remarks.

Having said that, then he had the floor, he put the motion, and I intend to put that motion now.

Senator Rompkey: I want to be absolutely clear. The motion is that the previous question be put.

The Hon. the Speaker: Yes.

Senator Rompkey: Therefore, we are talking about a procedural vote. I want to make this clear to everybody in the chamber: We are not voting on Senator Kinsella's bill at second reading; we are voting on a motion to put the previous question — to put the question. Is that right?

The Hon. the Speaker: That is the procedure that is provided for.

Senator Rompkey: I intend to vote against that motion. I just wanted to make perfectly clear what it is I am going to do. Do I have to say it again?

The Hon. the Speaker: Honourable senators, it is moved by the Honourable Senator Kinsella, seconded by the Honourable Senator Stratton, that the question be put.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Fernand Robichaud: On debate.

The Hon. the Speaker: You wish to speak, Senator Robichaud.

Senator Robichaud: I move the adjournment on debate of this motion.

The Hon. the Speaker: It is moved by the Honourable Senator Robichaud, seconded by the Honourable Senator De Bané, that further debate on the motion be adjourned until the next sitting of the Senate.

Is it your pleasure, honourable senators —

Hon. Lowell Murray: Point of order, Mr. Speaker. I am a bit rusty on this; it has been 13 or 14 years since I have faced this.

I thought that, when a motion to put the previous question was made, that debate could not be further adjourned and that everybody in the Senate had an opportunity to speak for a certain amount of time on that motion. Therefore, I am not sure that our colleague, Senator Robichaud, is in order. As I said, I am a bit rusty on the protocol, but my recollection is that, once Senator Kinsella's motion was put, everybody can debate it, but that it cannot be further adjourned, so I thought.

The Hon. the Speaker: I thought otherwise, which is why I accepted the motion — and with the help of the Table, I have a reference from Beauchesne.

Sixth edition, at paragraph 526, page 161:

Debate on the motion for the previous question may be interrupted by a motion to adjourn or for the reading of the Orders of the Day. But such a motion cannot be made if the House resolves that the question shall now be put under this rule.

I should read that last sentence again, for my own benefit.

Senator Murray: Adjourn what, the debate or the house?

The Hon. the Speaker: I will read it again:

Debate on the motion for the previous question may be interrupted by a motion to adjourn or for the reading of the Orders of the Day. But such a motion cannot be made if the House resolves that the question shall now be put under this rule.

Senator Lynch-Staunton: That is clear.

Senator Murray: What does the previous paragraph say?

The Hon. the Speaker: Perhaps that is a good idea, Senator Murray.

Honourable senators, because we all may be a little rusty on this, perhaps I will start even further back. I will start at paragraph 522, which is encompassed in the paragraphs under "The Previous Question." Paragraph 522 reads as follows:

(1) Members who have spoken to the main motion or amendments may speak again to the previous question.

(2) The debate on the previous question is subject to closure.

523. The Members proposing and seconding the previous question generally vote in its favour, but there is no rule to prevent them voting against their own motion if their intention is to supersede the question.

524. No amendment can be proposed to the previous question.

525. A motion for the previous question is not admitted in a Committee of the Whole or in any committee of the House.

Here is the section I have already quoted, and I will read it again:

526. Debate on the motion for the previous question may be interrupted by a motion to adjourn or for the reading of the Orders of the Day...

My interpretation of Beauchesne that a motion to adjourn is permitted includes a motion to adjourn the debate.

Senator Lynch-Staunton: Come on. To adjourn the house.

The Hon. the Speaker: A further section from Marleau and Montpetit, at page 457, reads as follows:

Debate on the previous question may be superseded by a motion to adjourn the debate, a motion to adjourn the House or a motion to proceed to the Orders of the Day...

I will accept the motion to adjourn put by Senator Robichaud, seconded by Senator De Bané.

It is moved by the Honourable Senator Robichaud, seconded by the Honourable Senator De Bané, that further debate be adjourned to the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: I must be careful with this. I am not clear.

Accordingly, I shall ask again: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Those opposed to the adoption of the motion will please say "nay".

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the "yeas" have it.

Senator Lynch-Staunton: You did not call the "yeas."

And two honourable senators having risen:

Senator Stratton: One-hour bell.

The Hon. the Speaker: Honourable senators, it is a one-hour bell.

[Translation]

For clarification, honourable senators, the vote will be held, by my watch, at 5:40.

Call in the senators.

• (1740)

The Hon. the Speaker: Honourable senators, the question is on the motion of the Honourable Senator Robichaud, seconded by the Honourable Senator De Bané, that debate on the motion for the previous question moved by Senator Kinsella be adjourned until the next sitting of the Senate.

Motion agreed to on the following division:

YEAS THE HONOURABLE SENATORS

Adams	Hervieux-Payette
Austin	Jaffer
Bacon	Joyal
Banks	Kroft
Biron	Lapointe
Callbeck	Léger
Chaput	Losier-Cool
Christensen	Maheu
Cook	Mahovlich
Cools	Mercer
Corbin	Milne
Cordy	Moore
Day	Morin
De Bané	Munson
Downe	Phalen
Fitzpatrick	Poy
Fraser	Prud'homme
Furey	Robichaud
Gauthier	Rompkey
Gill	Sibbeston
Graham	Watt—42

NAYS THE HONOURABLE SENATORS

Andreychuk	Kinsella
Angus	LeBreton
Atkins	Lynch-Staunton
Buchanan	Nolin
Di Nino	Stratton—11
Keon	

ABSTENTIONS THE HONOURABLE SENATORS

Nil

PERSONAL WATERCRAFT BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Murray, P.C., for the second reading of Bill S-8, concerning personal watercraft in navigable waters. —(Honourable Senator Hervieux-Payette, P.C.).

Hon. Céline Hervieux-Payette: Honourable senators, I would like to make a few comments at second reading on Bill S-8, concerning personal watercraft in navigable waters, as introduced by the Honourable Senator Spivak.

The purpose of this bill is surely laudable. There is no doubt that the use of any gasoline-fuelled mechanical device should be regulated. However, I am somewhat hesitant to support this legislation. If we must use this criterion to get federal authorities involved, should we not also regulate motorcycles, outboard motors, snowmobiles, chain saws, pruning shears and lawn mowers that wake us up at seven in the morning?

This bill definitely deserves a more in-depth study of the environmental issue, particularly as regards the level of noise caused by these machines. Anyone who has heard the noise made by a Harley Davidson can attest to the need to look at the issue of noise pollution.

I have some reservations about the federal government dealing directly with municipalities and delegating them some of its powers to regulate waterways and the use of personal watercraft. I think that this could make things more complicated for municipal authorities, rather than solve the problem.

These personal watercraft have been greatly improved in terms of the noise that they produce. Some research and development efforts have been made in this regard. Personal watercraft are used for recreational purposes. Tourists from Canada and abroad use personal watercraft made in Canada, and particularly in Quebec.

Bill S-8 is undoubtedly a laudable measure. However, we must examine the issue thoroughly before granting a regulatory power that could go as far as prohibiting the use of personal watercraft in certain areas. The legality of this bill must be reviewed more thoroughly. The committee will also have to determine whether the federal government should get involved, and whether regulating personal watercraft in federal waters, as opposed to provincial waters, would create conflicting regulations for the same watercraft.

I am asking honourable senators to support the motion to refer the bill to a committee for a more in-depth review.

The Hon. the Speaker: Honourable senators, is it your pleasure to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: When shall this bill be read the third time?

On motion of Senator Kinsella, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.

[English]

LIBRARY OF PARLIAMENT SCRUTINY OF REGULATIONS

MEMBERSHIP OF STANDING JOINT COMMITTEES— MESSAGE FROM COMMONS

The Hon. the Speaker informed the Senate that the following message had been received from the House of Commons:

Wednesday, February 11, 2004

ORDERED.—That the list of members and associate members for Standing Joint Committees of the House be as follows:

Library of Parliament

Members: Assad, Binet, Bryden, Caplan, Duplain, Doyle, Gagnon (Champlain), Grey, Gallaway, Kraft, Sloan, Lill, O'Brien (Labrador), Plamondon, Schmidt, Stinson, St-Jacques—(16)

Associate Members: Abbott, Ablonczy, Anders, Anderson (Cypress Hills—Grasslands), Bailey, Barnes (Gander—Grand Falls), Benoit, Borotsik, Breitreuz, Burton, Cadman, Casey, Casson, Chatters, Cummins, Davies, Day, Duncan, Elley, Epp, Fitzpatrick, Forseth, Gallant, Goldring, Gouk, Grewal, Hanger, Harper, Harris, Hearn, Hill (Macleod), Hill (Prince George—Peace River), Hilstrom, Hinton, Jaffer, Johnston, Keddy, Kenney, Lunn, Lunney, MacKay (Pictou—Antigonish—Guysborough), Mark, Mayfield, McNally, Meredith, Merrifield, Mills (Red Deer), Pallister, Penson, Rajotte, Reid, Reynolds, Ritz, Sauvageau, Schellenberger, Skelton, Solberg, Sorenson, Strahl, Thompson (New Brunswick Southwest), Thompson (Wild Rose), Toews, Vellacott, Wayne, White (Langley—Abbotsford), White (North Vancouver), Williams

Scrutiny of Regulations

Members: Barnes (Gander—Grand Falls), Caplan, DeVillers, Epp, Folco, Gallaway, Goldring, Grewal, Guimond, Lee, Macklin, Manley, Martin (Winnipeg Centre), Meredith, Meyers, St-Hilaire, Wappel—(17)

Associate Members: Abbott, Ablonczy, Anders, Anderson (Cypress Hills—Grasslands), Bailey, Benoit, Borotsik, Breitreuz, Burton, Cadman, Casey, Casson, Chatters, Cummings, Day, Doyle, Duncan, Elley,

Fitzpatrick, Forseth, Gallant, Gouk, Grey, Hanger, Harper, Harris, Hearn, Hill (Macleod), Hill (Prince George—Peace River), Hilstrom, Hinton, Jaffer, Johnston, Keddy, Kenney, Lunn, Lunney, MacKay (Pictou—Antigonish—Guysborough), Mark, Mayfield, McNally, Merrifield, Mills (Red Deer), Moore, Obhrai, Pallister, Penson, Rajotte, Reid, Reynolds, Ritz, Sauvageau, Schellenberger, Schmidt, Skelton, Solberg, Sorenson, Stinson, Strahl, Thompson (New Brunswick Southwest), Thompson (Wild Rose), Toews, Vellacott, Wasylycia-Leis, Wayne, White (Langley—Abbotsford), White (North Vancouver), Williams, Yelich

That a message be sent to the Senate to acquaint their Honours of the names of the Members to serve on behalf of this House on the Standing Joint Committees.

ATTEST:

The Clerk of the House of Commons

• (1750)

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Kinsella, for the second reading of Bill C-250, to amend the Criminal Code (hate propaganda).—(Honourable Senator Tkachuk).

Hon. Tommy Banks: Honourable senators, I request your leave to speak a second time on this bill, on which I spoke yesterday, for the purpose of correcting a misunderstanding.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Banks: I thank you, honourable senators.

Honourable senators, I spoke yesterday on this bill, and the misunderstanding that I rise to correct is mine and not yours. Yesterday I made distinctions between sections 318 and 319 of the Criminal Code on which I based my argument, which distinctions were not, in the sense that I used them and put them to you, correct.

I was wrong in doing that and, despite honourable senators and the author of the bill having worked mightily at trying to explain the facts and the truth to me, I was looking so hard for something complicated that the beautiful simplicity of the fact that we killed two birds, as it were, with one stone with the present act escaped me. I apologize for this. It turns out that the two are not mutually exclusive and that the present bill effectively gives us two scoops are better than one, as is always the case.

I apologize for taking the time I did yesterday, for having been as ill-informed as I was, although I do hasten to point out that I said before I began to speak that I was not a lawyer. I seem to seize every opportunity to demonstrate that fact over and over again.

I hope that honourable senators will ignore this previous telegram.

Hon. Senators: Hear, hear!

On motion of Senator Stratton, for Senator Tkachuk, debate adjourned.

[Translation]

STUDY OF OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

REQUEST FOR GOVERNMENT RESPONSE— POINT OF ORDER

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Fraser,

That, pursuant to Rule 131(2), the Senate ask the Government to table a detailed and comprehensive response to the Fourth Report of the Standing Senate Committee on Official Languages, tabled in the Senate on October 1, 2003, during the Second Session of the 37th Parliament, and adopted on October 28, 2003. —(Honourable Senator Corbin).

Hon. Eymard G. Corbin: Honourable senators, I would like to state immediately that I fully endorse the spirit of the motion put forward on February 10, 2004, by Senator Gauthier, a motion which I adjourned.

I would, however, like to raise a point of order with respect to the acceptability of the motion. Senator Gauthier is proposing that the Senate ask the government to table a detailed and comprehensive response to the fourth report of the Standing Senate Committee on Official Languages, tabled in the Senate on October 1, 2003, and adopted on October 28, 2003.

With all due respect to Senator Gauthier, I find that his motion represents a breach of the rules and the traditions and practices of Parliament. When Senator Gauthier rose to speak on February 10, he clearly stated that the report had been tabled and adopted by the Senate during the last session.

In putting forward his motion, he invoked rule 131(2). But if honourable senators examine the *Rules of the Senate*, they will find no rule 131(2). The Senate has added a second paragraph to rule 131. I have obtained a copy of paragraph 2 of rule 131 and it reads as follows:

[Senator Banks]

The Senate may request that the Government provide a complete and detailed response to a report of a select Committee, which has been adopted by the Senate —

I would point out that this report was adopted during a previous session, and therefore the report is not before the Senate; it disappeared with the end of the session. The rule continues:

— if either the report or the motion adopting the report contains such a request —

I examined the text of the report adopted by the Senate on February 28, 2003 and the report does not contain such a request. I will again quote rule 131(2):

— or if a motion to that effect is adopted subsequent to the adoption of a report.

Of course, we must interpret the following words, “if a motion to that effect is adopted subsequent to the adoption of a report” as meaning “immediately following the adoption of a report,” without any intermediary procedure.

However, a number of things have occurred since the report was adopted. The parliamentary session was prorogued, there was a new Throne Speech and the report is no longer before the House. It is irregular, I think, to pull a report out of thin air, when that report died with the previous session.

When Senator Gauthier rose on October 28, 2003, to ask that the report be adopted, he said:

I give notice that, after the report is adopted, I will ask that the government give a comprehensive, full and complete response to the report, so that we know where we are going after the presentation of our reports.

Senator Gauthier was to present this motion immediately following the adoption of the report, but he did not. Today, he is asking the Senate to backtrack and re-open the doors to the previous session so he can ask the government to give a response to the report.

In my opinion, it would be extremely bad practice with regard to our procedure. The House of Commons can do whatever it likes, but I do not think that the Senate should imitate the bad practices of the House of Commons. Honourable senators, I would like His Honour to consider the merits of this point of order and rule as to whether the motion of the Honourable Senator Gauthier is in order.

• (1800)

[English]

Hon. Lorna Milne: Honourable senators, to the best of my recollection, while the Standing Committee on Rules, Procedure and the Rights of Parliament was studying this amendment to rule 131, the matter of a —

The Hon. the Speaker: Senator Milne, honourable senators, it is six o'clock.

Hon. Bill Rompkey (Deputy Leader of the Government): Your Honour, I think that if you poll the chamber you will find an agreement not to see the clock.

The Hon. the Speaker: Is it agreed, honourable senators, that I do not see the clock?

Senator Stratton: On this issue?

The Hon. the Speaker: I will ask again because there were senators engaged in conversations.

Is it agreed, honourable senators, that I do not see the clock?

Hon. Senators: Agreed.

Senator Rompkey: Your Honour, I wonder if there is consent that, after this item is completed, we stand all items remaining on the Order Paper?

The Hon. the Speaker: Is it agreed, honourable senators, that on the completion of interventions on this point of order, all remaining items on the Order Paper stand in their place until the next sitting?

Hon. Senators: Agreed.

Senator Milne: I stand to be corrected, honourable senators, but to the best of my recollection, while the Rules Committee was studying this new rule — which is not yet in the little books we each have — I do not believe that the matter of a finite period of time was ever discussed. It may well be that it should have been; it may well be that we may want to look at this rule again. However, the matter of confining the period in which such a request can be made after a report of a committee is adopted to any specific time, session, or even Parliament, was not once discussed.

I cannot tell you more than that, other than the face value of this rule gives no time restriction whatsoever. Since the committee did not discuss any time restrictions, I believe that we cannot consider them now.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, if the argument is that this is a report that was made prior to prorogation last November, and therefore somehow that report cannot be acted upon as envisaged by the new rule we made to ask the government to give a comprehensive response to that report, my reflection is that we have lots of reports that were adopted in the last Parliament, before prorogation, that have continuing effects in the new Parliament. Of course, I refer to those reports that come from committees reporting a bill with or without amendment. They are reports that are adopted or not adopted. When they are adopted, there is a continuing effect; namely, the legislation continues and could have been adopted.

In terms of that principle, I see nothing inimical in that. Even though a report is adopted in the previous Parliament, if a motion

is made in the new Parliament to ask the government for a response to points contained therein, it is very much the same. There is the same kind of continuing effect as there is with reports on legislation.

[Translation]

Hon. Jean-Robert Gauthier: Honourable senators, I object to Senator Corbin's interpretation of rule 131 of the *Rules of the Senate*. I was the one who proposed to the Senate that Senate reports, once adopted by the Senate, should be followed up on by the government. We examine very important topics. The idea was to make it possible for Senate committees to request a comprehensive response from the government. Before being adopted by the Senate, reports are committee reports, but once adopted, they are Senate reports. This is only natural. As to whether it is null and void because the second session has ended and we are now in the third session, I do not think that is important. The report was adopted by the Senate. The *Rules of the Senate* clearly state that after its adoption, a senator may move a motion calling on the government to table a response. This seems perfectly acceptable to me. I do not see why the government would be totally absolved of its responsibilities because a report was tabled during a previous session and no such request was made. The Senate committees do very good work and the government must respond to these reports. The report is not dead. It has not died. It is still there. It did not get a response. That is a shame. Let us be logical and do things as they should be done. This has nothing to do with the traditions of the House of Commons.

Senator Corbin: Honourable senators, I agree entirely with logic, meaning the logic of the rules as they have been set down. Of course, when a bill is adopted by the Senate, that is the end of consideration and of formal comments on that bill. It is done with. The parties have spoken, the bill is passed, and nothing more is added. The bill may be mentioned during debate on other issues, but there is nothing more after that, nothing more is done. It is the same with respect to reports.

As I see it, Senator Gauthier ought to have made his motion immediately after adoption of the fourth report of the Senate Standing Committee on Official Languages, on October 28, 2003, and not 75 days later in a new session.

It is important that we have rules that are clear and precise, rules that can be correctly interpreted in order to keep our proceedings running smoothly. If we accept Senator Gauthier's motion, we open the door to all kinds of abuses and creative initiatives. There will be no end to it. It is clear that rule 131(2) can only be interpreted as meaning that the motion requesting a response from the government must be made immediately after the report is adopted.

Senator Gauthier: Honourable senators, I was here on October 28, 2003. But sometimes the traditions and customs of this place prevent us from speaking when we wish to. We have to wait until the motion is called; and on October 28 we adjourned before there was an opportunity to speak to the motion. I did my best and, on November 12, the House was prorogued.

Senator Corbin: Honourable senators, there is a problem with this argument. Looking at Hansard for that day I see that the proceedings continued for some time after the report was adopted. The fact is that Senator Gauthier did not act when he should have.

I would like to suggest a solution because, clearly, I support this report. The committee would have to reintroduce it in this chamber and the proper procedure would have to be followed, after which we could ask the government to provide a response within the 150 days set out in the *Rules of the Senate*.

[English]

The Hon. the Speaker: Honourable senators, I thank Senator Corbin for his point of order, as well as all other senators for their interventions.

I think I understand the question very well; however, I do not have a ready answer. I shall take the matter under consideration and bring back a ruling as soon as I can.

The Senate adjourned until tomorrow at 9 a.m.

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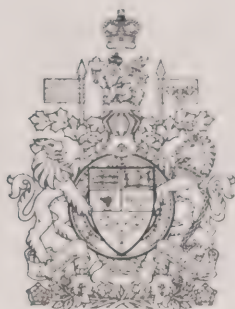
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3rd SESSION

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37th PARLIAMENT

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NUMBER 8

OFFICIAL REPORT
(HANSARD)

Friday, February 13, 2004

—
THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Friday, February 13, 2004

The Senate met at 9 a.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

WWW.VIRTUALHOSPICE.CA

Hon. Sharon Carstairs: Honourable senators, last Friday I attended and participated in the launch of the Canadian Virtual Hospice, www.virtualhospice.ca. Located at Riverview Health Centre in Winnipeg in their research facility, it has been funded by Western Economic Diversification and Telehealth Canada. The staffing of doctor and nurse are being paid for by the Government of the Province of Manitoba. However, this hospice is not just for Manitobans but for all Canadians and, as of yesterday, there have been 118,852 hits to this interesting and informative Web site. There have been 4,637 hits by people seeking specific information and 33 professional consultations with the doctor and nurse on staff.

Patients, family members, adults and children now have access to information about treatment and medication. They have access to chat rooms so the families can speak to others going through a similar distressing stage in their lives. The Web site will make valuable information available to northern and remote communities where access to information has been so difficult to achieve. The site will also be of help to patients and families in their relationships with physicians and nurses. For example, people can download questions and take them to their next appointment.

There is also the opportunity to ask questions. During the first day of operation, they were able to answer the question of a family concerned about the medication prescribed to a family member.

I have become a true convert to the concept of a Web site. At a conference in Kelowna, British Columbia, when I first mentioned this concept, I was challenged by a member of the audience who stated that if he were dying, he would not want to talk to a computer. The woman sitting next to me on the panel asked if she could reply. I agreed and she told the audience that she was dying and did not expect to live for more than three or four weeks. She then went on to say that her greatest support was coming from a chat room in St. John's, Newfoundland and Labrador. There, she was able to dialogue with others going through a shared experience.

Honourable senators, this is a wonderful new addition to the support system for those approaching the end of their lives in this country.

NATIONAL TEACHER/STAFF APPRECIATION WEEK

Hon. Ethel Cochrane: Honourable senators, I rise in recognition of National Teacher/Staff Appreciation Week. It is a time when Canadians celebrate the important work that thousands of

teachers and support staff perform in schools across our dear country.

I know that many honourable senators were or are teachers in their lives outside this place, myself included. Perhaps we are particularly aware of the challenges facing those people entrusted with the education and guidance of young minds and spirits. Surely, each one of us here and all Canadians have experienced first hand the powerful and positive impact that teachers have had in our own lives. They instill values in our children and see that those values are put into practice. They make our schools safe, supportive environments for personal growth and development. They teach students to become critical thinkers, to build literacy skills and to become active global citizens.

Of course, much of this could not be achieved without the work of the other staff in our schools. Often they are behind the scenes, but there is no doubt that they play a critical role in ensuring that our schools function smoothly on a daily basis. They are dedicated to making our schools safe, clean and organized so that students feel comfortable and are able to thrive in their scholastic pursuits.

Honourable senators, I applaud the more than 220,000 teachers across this great country, as well as the staff in every Canadian school who not only assist in the achievements of our education system but who also make such tremendous contributions to our communities and in the lives of all our students.

[Translation]

MANDATORY VOTING

Hon. Mac Harb: Honourable senators, I would like to speak today about voter apathy.

First I would like to pay tribute to my former constituents in the federal riding of Ottawa Centre, who did not fall into a state of voter apathy and who gave me their unfailing support for the 14 years that I had the honour of representing them. It was a privilege to serve them.

I would also like to thank Mr. Jean Chrétien, whom history will recognize as one of our greatest prime ministers. I am deeply honoured that he invited me to sit in the Senate and I am proud to be working with colleagues from a variety of backgrounds who know how to put their rich collective experience to work and who share a commitment to Canada and its future.

• (0910)

[English]

Unfortunately, not all Canadians share in this democratic commitment. Despite living in a democracy where electoral participation is recognized as one of the most important rights of citizenship, only 61.2 per cent of eligible voters stepped into the polling booth in Canada's last federal election. This is the lowest turnout in a federal election since Confederation. In fact, over the past four elections, voter turnout has dropped consistently.

A democracy in which only a fraction of citizens turn out to vote is a democracy in name only. Research shows that the youth in this country do not vote. In the last election, approximately 25 per cent of our young people aged 18 to 24 bothered to cast a vote. That means three out of every four youth did not bother to vote. This is the main reason why turnout has declined in Canada and it is a reflection of a larger cultural change.

In my view, voting is not only a privilege and a right, but it is fundamentally a citizen responsibility. This is why I am currently finalizing legislation to amend the Canada Elections Act to make voting mandatory in Canada.

We will not be the first to take this step. Similar legislation is already in place in more than 30 democracies around the world and has proven to be remarkably effective. One such democracy is Australia, which operates a British style of parliamentary government much like our own. When Australia instituted compulsory voting in 1922, voting rates rose dramatically from 57 per cent to consistently over 90 per cent since 1945. In Belgium, where there is also compulsory voting dating back to 1893, a similar rate of 90 per cent turnout is the norm. Voters with legitimate reasons for not participating are excused without penalty.

This legislation will pass the test of the Canadian Charter of Rights and Freedoms and will include built-in guarantees of accessibility and equality of opportunity to vote. It will take democratic institutions to a new level of responsiveness and effectiveness.

Honourable senators, once this legislation is introduced, I look forward to your support. Voter apathy can be overcome. The status quo is simply not acceptable.

PRINCE EDWARD ISLAND

VOLUNTEER RECOGNITION AWARDS— CONGRATULATIONS TO RECIPIENTS

Hon. Catherine S. Callbeck: Honourable senators, volunteers are the backbone of communities across Canada. Canadians volunteer an estimated 1 billion person hours to volunteer activities every year. This is the equivalent of more than 500,000 full-time jobs.

Volunteer groups play a key role in the lives of all Canadians, delivering a wide range of programs and services including health care, recreation, culture and the environment. They enliven our society and enrich our lives.

The volunteer sector has been characterized as the third pillar of our society, alongside government and the private sector. It plays an essential role by promoting active citizenship, building bridges among communities and people.

Today I want to recognize and congratulate a special group of volunteers. Last week in Prince Edward Island, seven Islanders were honoured during the provincial government's inaugural

volunteer recognition awards program. They are Shirley Arsenault, Louise Arsenault, Lynda Curtis, Allan Joseph Doyle, Nanne Garnham, Clarence MacDonald and Elaine MacLennan. They have been involved over the years in the lives of our communities and given generously and selflessly of their time and talents to the people around them.

Prince Edward Island is noted for its close-knit communities and spirit of neighbourliness. Approximately one in three Islanders is a volunteer. Prince Edward Island is the only Canadian province to show an increase in the level of volunteerism since 1997. In addition, the people of Prince Edward Island, along with the other Atlantic provinces, consistently rank among this country's highest rate of charitable donations.

In closing, honourable senators, I want to recognize the outstanding contributions of ordinary people from all walks of life who give freely to help make this country a better place for all Canadians.

BLACK HISTORY MONTH

Hon. Lucie Pépin: Honourable senators, as Senator Oliver so eloquently reminded us, February is Black History Month. This is a time to highlight the achievements of our African-Canadian fellow citizens over the years.

Today I would like to acknowledge the exceptional contribution of an illustrious member of the African-Canadian community, Ms. Rosemary Brown, who passed away last year at the age of 72. Whether as a member of the British Columbia legislature, Chair of the Ontario Human Rights Commission or member of the Judicial Council of British Columbia, during her entire career, Rosemary Brown always served her fellow citizens.

[Translation]

With her passing, we have lost a great Canadian who always fought to make Canada a country where equality and justice had pride of place. She never stopped working to ensure that all Canadian men and women, whatever their status or race, could enjoy full respect for their rights. I am very proud to have known this amazing woman. For women in politics, Rosemary was a mentor and will always be a model for us. We can be very proud of her legacy.

In addition to highlighting the contributions of Afro-Canadians in our society, this month's celebrations are an opportunity to learn more about their experiences within Canadian society. In this respect, we unfortunately still have a lot of homework to do. The Ethnic Diversity Survey published in September 2003 revealed that nearly half of Black Canadians reported that they had been the victims of discrimination or unfair treatment in the past five years; this is alarming for a country like ours, which considers itself an inclusive society where each individual, no matter what his or her origins, can find his place.

In addition, the conclusions of the Ontario Human Rights Commission on the effects of racial profiling confirm what spokespeople for racial minorities keep saying, that Canadian

men and women are still arrested on the basis of racial stereotypes rather than on reasonable suspicion. This form of racism is directed particularly at the Afro-Canadian community because of their more obvious racial differences. We must speak out more against such discrimination.

This reminds us of the need to overcome racism and reaffirm our commitment to promoting respect, equality and diversity. All forms of intolerance are a scourge we must seek to eliminate at all costs. Our very survival as a multicultural society depends on it.

THE LATE CLAUDE RYAN

Hon. Jean-Robert Gauthier: Honourable senators, a number of our colleagues are in Montreal today to attend the funeral of Mr. Claude Ryan. He was an enlightened critic, an accomplished scholar, a great Canadian of extraordinary intellect, influential and well informed. He was very familiar with official languages minority communities.

He came to see us often. In 1966, when I was president of the Club Richelieu, I invited him to Ottawa to speak on the future of the Francophonie and the survival of francophone communities. His talk was extremely interesting.

Along with all the honourable senators, I offer his family and friends my most sincere condolences.

[English]

THE LATE SANDY CROSS

Hon. Tommy Banks: Honourable senators, Sandy Cross died in Victoria on December 13 of last year. He was in Victoria, where he spent a large part of each year for the past two years, but he was a Calgary guy if ever there was a Calgary guy. His family has a long, distinguished and much-honoured place in that city's history. His grandfather was Colonel James McLeod, who founded Calgary for all intents and purposes and named it, and whose fame with the North West Mounted Police was even then far flung. His father was A.E. Cross, one of the founders of the Calgary Stampede. Sandy's life was fun-filled, adventurous and fiercely private — and a life in which the values were always clear and right.

His ranch was large, even by Alberta standards, growing to nine sections — that is 5,760 acres. It was a ranch populated largely by wildlife. He began to be concerned about that almost-pristine land and that wildlife and, a few years ago, gave 2,000 acres of it as a wildlife refuge to be managed by the Nature Conservancy of Canada. At the dedication ceremony in 1989, Ms. Ann Cross said, "We don't inherit the earth from our grandparents; we borrow it from our children."

• (0920)

In 1996 the preserve was added to when Mr. Cross gave an additional 2,800 acres to what is now called the Ann and Sandy Cross Conservation Area. At that time he also gave \$800,000 to help build an interpretive centre. He also gave generously and usually anonymously to many other public and private causes.

If he had sold those 4,800 acres, which are situated just at the edge of Calgary, he would have realized about \$24 million. Instead, he gave it to the people of Alberta. There was never a

summer when Sandy Cross did not return to spend time on that land. He was 89 when he died and his ashes will, in this coming spring, be scattered over the seven and a half sections of land that will, one hopes, forever bear the name of its donor and will forever be enjoyed by the people of Alberta, who once again are the beneficiaries of Sandy Cross's generosity.

ROUTINE PROCEEDINGS

NATIONAL FINANCE

BILL C-212—NOTICE OF MOTION
TO AUTHORIZE COMMITTEE TO REFER
DOCUMENTATION FROM SECOND SESSION

Hon. Lowell Murray: Honourable senators, I give notice that on Monday I shall move:

That the Standing Senate Committee on National Finance, to which was referred Bill C-212 on February 11, 2004, be also referred the papers and evidence received and taken on the subject and the work accomplished by the committee during the second session of the 37th Parliament.

[Translation]

OFFICIAL LANGUAGES

BILINGUAL STATUS OF CITY OF OTTAWA
PRESENTATION OF PETITION

Hon. Jean-Robert Gauthier: Honourable senators, I have the honour to table in this House numerous petitions, for a total of 25,834, asking that Ottawa, the capital of Canada, be declared a bilingual city, reflecting the country's linguistic duality.

The petitioners wish to draw the attention of Parliament to the following:

That the Canadian Constitution provides that English and French are the two official languages of our country and have equality of status and equal rights and privileges as to their use in all institutions of the Government of Canada;

That section 16 of the Constitution Act, 1867, designates the city of Ottawa as the seat of the government in Canada; and

That citizens have the right in the national capital to have access to the services provided by all institutions of the Government of Canada in the official language of their choice, namely French or English;

That Ottawa, the capital of Canada, has a duty to reflect the linguistic duality at the heart of our collective identity and characteristic of the very nature of our country.

Therefore, your petitioners call upon Parliament to affirm in the Constitution of Canada, that Ottawa, the capital of Canada, be declared officially bilingual, under section 16 of the Constitution Acts from 1867 to 1982.

[English]

QUESTION PERIOD

TRANSPORT

AIR TRANSPORTATION AND NAVIGATION DIVESTITURE INITIATIVES

Hon. Ethel Cochrane: Honourable senators, I would like to follow up on Senator Oliver's line of questioning earlier this week regarding the government's short-sighted approach to air transportation policy, and my question is to the leader.

Earlier, Doug Young, Minister of Transport in the Chrétien-Martin government, caught media attention and headlines across the country recently when he called his government's approach to the privatization of airports a mistake. Others were quick to join the debate, including Roland Dorsay, who is the President of the Canadian Airports Council. Mr. Dorsay did not agree with Mr. Young's assertion that terminal facilities had been overbuilt. However, he stressed, and I quote from the papers:

After 10 years of benign neglect from Transport Canada, before they were devolved, there was a need to update them.

My question is for the Leader of the Government in the Senate. Does the government accept and can it confirm these claims by its former Minister of Transport and also from the Canadian Airports Council?

Hon. Jack Austin (Leader of the Government): Honourable senators, I wonder if Senator Cochrane has also seen a letter from NAV CANADA, which has been circulated through the media and to senators, in which that organization repudiates the arguments of former Minister Young, and has in it statements, with respect to the cost of the services they have provided, which show, according to their presentation, that they have maintained costs in real terms as they were 10 years before.

I give that answer to say that various components of the air transport industry are now assessing and reacting to former minister Young's statements and the government is giving consideration to those reactions, as well as to former Minister Young's statement when the industry has had the opportunity to reflect and respond. There are many other components — air carriers, for example, and unions — that are involved in the provision and support of the air system. Then it will be possible for the government to decide what steps if any should be taken.

LOCAL AIRPORT AUTHORITIES—RENTAL COSTS

Hon. Ethel Cochrane: I have a supplementary question, honourable senators.

Mr. Dorsay, President of the Canadian Airports Council, called Mr. Young's comments ironic. In fact he said the biggest problem facing airport authorities today is one that Mr. Young and his Liberal government orchestrated, and that is the issue of skyrocketing rents. I am sure you are well aware of those.

Honourable senators, government owns the airport land and it leases the facilities to local authorities. In 1996 Ottawa collected \$65 million in revenue from airport leases. Last year, 2003, rents

to the government topped \$250 million. That is an increase of nearly 400 per cent since 1996.

• (0930)

Can the Leader of the Government in the Senate tell us what the government is doing to help airport authorities manage the burden of unprecedented rents and, more specifically, what is it doing to address this abrupt increase in rent?

Hon. Jack Austin (Leader of the Government): Honourable senators, these are questions that are under active debate in the industry at this time. In my community of Vancouver, we have a non-profit authority — incidentally, a system established by the Mulroney government — and it has been extremely successful in modernizing the airport. The performance is one in which there is always a contest amongst all the stakeholders as to what is fair and equitable. These non-profit authorities entered into agreements with the Government of Canada. The rentals to which the honourable senator is referring were based on formulas, and those formulas are in the contracts. They relate to the performance of those airports, the number of passengers who go through those airports and so on.

The contracts must always be examined to ensure that consumers of services in airports are being properly treated. Certainly, the government does not want to gouge the Canadian public. At the same time, the government requires a fair return for the assets that have been made available to the airport authorities.

Senator Cochrane: Honourable senators, does the leader not agree that it is more difficult for smaller airports in rural Canada than for airports in larger centres like Vancouver and Toronto, because of the passenger loads coming back and forth? Maybe one should look at rural Canada somewhat differently.

Senator Austin: Honourable senators, the situation of airports in rural Canada — and that includes in my own province of British Columbia — is relatively well known to me. Issues such as the costs of operating those airports, what facilities should be made available — capital investments, for example, for automatic landing, for control towers and so on — based on passenger loads, whether the user should pay or whether there should be a transfer, essentially, a subsidy, to those airports are important questions.

I wish I could give the honourable senator a definitive and positive policy answer. I will make it my business, however, to inquire further, and, I hope, be of help at a later time.

NAV CANADA—DEFERRAL OF BUDGET DEFICITS

Hon. A. Raynell Andreychuk: Honourable senators, the Leader of the Government in the Senate indicated that one would not want to gouge the customers and that costs are important. The president of NAV CANADA, Mr. Crichton, indicated in a letter that they have reduced costs by \$100 million compared to their budget — although I do not know what their budget is. In that letter, he added that during that time "NAV CANADA has also been deliberately deferring costs" — he used the word "deliberately" — "and running deficits amounting to a cumulative total of \$160 million," conscious of its customers' limited ability to absorb new costs.

Would the Leader of the Government in the Senate tell me whether the Prime Minister believes that it is good accounting practices to defer costs to future budgets and future users — accumulating deficit, obviously — and what will the government do about that?

Hon. Jack Austin (Leader of the Government): Honourable senators, in the saga of the management of the air transport system, my understanding is that NAV CANADA has been established as an independent management authority and has been given the power in its authority to provide its services on a cost-recovery basis. If its directors have made this decision, it would be creating a claim on the air carrier system to compensate for any losses.

As the Honourable Senator Andreychuk knows, the air carrier system at the moment is under some considerable stress. Our largest carrier, Air Canada, is in bankruptcy and is trying to negotiate funding to return to a profitable course. By far, Air Canada is the largest rent-payer at airports and the largest rent-payer to NAV CANADA.

I wish I could provide an answer that indicates how the problem raised by Senator Andreychuk could be dealt with.

Senator Andreychuk: Honourable senators, part of the problem is that the Liberal government has put all of these agencies at arm's length. There appears not to be an accountability system. Senator Bolduc would speak of this at almost every budget time — that the kind of scrutiny and oversight that used to exist when these entities were government departments is not now available for the taxpayers. So we put these organizations at arm's length — there is a benefit to that — but then the government said that we could not interfere.

Who is acting on behalf of the taxpayers to ensure that those agencies are utilizing taxpayers' money appropriately? There does not seem to be any system.

I am reminded of the present issue and the present scandal. Yesterday, in response to questions on this issue, the Leader of the Government in the Senate said the accounting system changed so much that it became an internal audit. Apparently, that internal audit did not work. The previous Treasury Board scrutiny seemed to be much more effective.

Here we have another situation in that the government is not in a position to interfere with NAV CANADA. NAV CANADA is already saying they are deferring costs. The answer of the Leader of the Government in the Senate is that the matter must be passed on to the airline companies. We are being told that the reason they cannot pass these matters on now is that the air carriers cannot bear the load. This situation cannot continue. The entire system will collapse.

Surely, the government has a responsibility to put in place, within the agencies they have created, proper accounting practice, scrutiny and oversight mechanisms and to establish a national

airlines policy, with overall oversight by the government. The government cannot wash its hands of this matter.

Senator Austin: Honourable senators, as Senator Andreychuk knows, both the Mulroney and the Chrétien governments were under considerable pressure to downsize the government's role as intervenor in much of the commercial economy. Steps were taken originally in the Mulroney government, and followed by the Chrétien government, to let managers manage with respect to departments, to create, as I said yesterday, the internal control supervision within the departments, rather than at the Treasury Board level. It was the internal control system that eventually caught up to the problems that are now so large in Canadian political debate.

Returning to the transport system, we made policy changes over some 20 years. At one time, at an earlier stage in my governmental career, the Government of Canada, through the Department of Transport, actually managed the day-to-day operations — we had fee, airfare and cost schedules. When the American air industry became deregulated, for the Canadian air industry to compete, it, too, had to be better at managing costs and more susceptible to market movements, rather than regulated and cost controlled.

The world of air transport, where the air industry was guaranteed almost a rate of return, because governments set the rates for them so that they could make a profit, was abandoned for the market economy.

We have created instruments, such as NAV CANADA, and we are now experiencing the way in which the market economy does not provide public services of the kind that were either previously provided or should be provided.

• (0940)

I consider the topics being raised by Senators Cochrane and Andreychuk to be of high importance, and perhaps we should consider referring these issues to the Standing Senate Committee on Transport and Communications for a very careful examination.

Senator Andreychuk: Honourable senators, deregulation and the market economy cannot be blamed. The European system has gone through deregulation and has had its ups and downs, but it has had government involvement and oversight. I am only asking that the government implement a policy and structure. You cannot simply hive off NAV CANADA and let the market take effect. This is a transportation issue. You should have hived it off and had proper oversight and accountability. That is a government responsibility, not a market problem. The market will take care of itself if there are proper structures and policies in place.

I do not know whether NAV CANADA was underfunded to start with or whether it was given a debt load it should not have had. I will not get into specifics. I am simply saying that the government cannot wash its hands of this. The system must be either cleaned up or changed.

Senator Austin: Honourable senators, in no sense is the government "washing its hands of this." This is an issue of important public policy. Honourable senators will know that the air transport system took an enormous blow as a result of September 11, 2001. The international and domestic travelling public began to remove itself from the air carriers, and the result was an enormous decline in revenues to be shared by airport authorities, NAV CANADA, the air carriers and everyone else in the air transport system. The global industry and the Canadian industry have not yet recovered from those outside events. I would like honourable senators to be clearly aware of the broader circumstances under which this issue has arisen.

If we wish to be part of the policy debate and to make a contribution to the way in which policy should be shaped, a reference to the Standing Senate Committee on Transport and Communications of the policy issues that have been raised would be very much in order.

INTERGOVERNMENTAL AFFAIRS

WATER EXTRACTION COMPANIES— PROVINCIAL USER FEES

Hon. Eymard G. Corbin: Honourable senators, my question is directed to the Leader of the Government in the Senate. The environment minister for the Province of Ontario announced recently that companies that take water from Ontario lakes and rivers will have to pay for that privilege under new legislation. The province has candidly admitted that it does not have a system to track how much water is being taken out on a daily basis, nor does it know whether the system is being damaged by the volume of water being extracted.

The Leader of the Government in the Senate, as a former colleague of mine on the Foreign Affairs Committee, knows that we adopted legislation in Parliament in December 2002 respecting the protection of boundary waters, watersheds and so on.

In view of the fact that not only Ontario but other provinces may be about to jump on this new gold rush of charging fees for the extraction of water, can the Government of Canada tell me if there are ongoing discussions with the provinces with respect to this issue and whether the International Joint Committee has been seized of this matter in terms of information respecting the volumes of water being extracted in this country?

My other concern is that foreign companies are beginning to take over Canadian bottling companies, and I think that is something we should be concerned about.

Hon. Jack Austin (Leader of the Government): Honourable senators, I am not aware at this moment whether there are discussions taking place between the federal government and the Province of Ontario or any other province with respect to user fees for water.

Of course, water resources are property under the Constitution Act, formerly the BNA Act, and the provinces own their water resources unless they impinge on international boundary waters or cross boundaries or if the federal government authority under

navigation, and so on, is affected. The legislation to which Senator Corbin referred, which was before the Foreign Affairs Committee, dealt with the Great Lakes and the management of them and, of course, waters flowing into the Great Lakes. There is an international treaty of 1909 between Canada and the United States, the International Boundary Waters Treaty —

Senator Stratton: We do not need a history lesson.

Senator Austin: Oh, you do not? I am sorry. I apologize. I thought it was in the interests of the chamber that I give senators the fullest possible answers to their questions and interests.

Some Hon. Senators: Hear, hear!

Senator Austin: If I understand Senator Stratton's comment, he would like me to be very brief with respect to answers to questions from his side.

Senator Stratton: It is called being succinct and to the point.

Senator Austin: I will be very succinct in answers to your side.

PRIME MINISTER

AUDITOR GENERAL'S REPORT— SPONSORSHIP PROGRAM—INVOLVEMENT

Hon. W. David Angus: Honourable senators, in the interests of comity, I should tell the Leader of the Government how pleased we are to note that the government has now reversed its field in the matter of the sponsorship program. No longer is it a small item marginalized with 14 poor civil servants. It is now a major, systematic issue that will probably require, according to the Prime Minister yesterday, determining where the political direction from high levels came from.

In any event, we have now seen, thanks to the *National Post* of today, that the Liberal Party National Policy Chair, back on February 7, 2002, sent a letter to the Honourable Paul Martin stating:

...there are persistent and growing rumours that funds from the sponsorship programme are being diverted to partisan purposes connected with the 2000 general election campaign in Quebec, through the agency of advertising and public relations firms associated with the Party.

Groupaction is specifically mentioned in the letter.

Can the Leader of the Government in the Senate now confirm that Mr. Martin was on notice, in February 2002, that the sponsorship scandal was more than just administrative errors? Can he confirm to senators that Mr. Martin indeed received that letter and tell us what he did about it?

Hon. Jack Austin (Leader of the Government): Honourable senators, my succinct answer is that the Prime Minister held a press conference yesterday and placed his position on the record at that press conference, the text of which appears in newspapers circulating today and is, of course, available to Senator Angus.

Senator Angus: The Leader of the Government in the Senate has referred to the hastily-convened but major damage-control press conference yesterday. The Prime Minister said during that press conference that there had to be political direction to the group of bureaucrats identified by the Auditor General. Can the Leader of the Government in the Senate provide us with the information that led the Prime Minister to this conclusion, given that he already had the letter back in February of 2002?

Senator Austin: Honourable senators, what the Prime Minister said at the press conference speaks for itself.

PUBLIC WORKS AND GOVERNMENT SERVICES

AUDITOR GENERAL'S REPORT—SPONSORSHIP PROGRAM—INVOLVEMENT OF OFFICIALS

Hon. W. David Angus: Honourable senators, yesterday we talked about individuals. I asked some questions and the government leader claimed that he did not have the answers to them. Let me try this question as a supplementary.

Can the Leader of the Government in the Senate tell us what the roles of Charles "Chuck" Guité and Pierre Tremblay were in the sponsorship program?

Hon. Jack Austin (Leader of the Government): I thank Senator Angus for that succinct question.

That will be the subject of the judicial inquiry, and any speculation on their roles would not be appropriate. As lawyers, there is no way either Senator Angus or I would want to tamper with or contaminate the position of any named individual.

• (0950)

I also want to continue my dialogue with Senator Angus concerning the 14 officials. I understand that the reference to 14 was originally in the evidence given by the Auditor General to the Public Accounts Committee of the other place. To my knowledge, no names have been given by the Auditor General in any public place. Certainly, none has been given to me.

Senator Angus: Honourable senators, I thank the government leader for that comment. I still accept the answer given yesterday by the Leader of the Government in the Senate that he does not know, has not informed himself and is unable to tell us today who those 14 are. That is fine with me.

Senator Austin: I cannot inform myself. It is my understanding that the information can only come from the Auditor General at this time.

Senator Angus: Honourable senators, I wish to return to the specific question I asked the Leader of the Government a moment ago. That question is: What were the roles of Charles (Chuck) Guité and Pierre Tremblay in the sponsorship program? Is the Leader of the Government saying that he does not know what roles those two gentlemen played? That has nothing to do with

the judicial inquiry. Does the government not know what the roles of these two men were at that time? I should like to know. I think all honourable senators would like to know.

Furthermore, we would like to know when these men stopped performing their roles. Was it, perhaps, in February of 2002, when Mr. Martin did take action and relieved them of their roles? I should like to have an answer, please.

Senator Austin: If, by using the word "roles," the honourable senator is asking to know their titles and the positions they held in the Department of Public Works, then, of course, I can provide that information on Monday. I do not have their exact titles at hand today.

What needs to be said at this particular stage is that I do not have any information on the relationship between any letter Mr. Martin received when he was Minister of Finance and any action taken with respect to the two named individuals. Given the statements that the Prime Minister has made, I can only imagine that he was responsible for no such action being taken because he was not a part of the management of that particular process.

FOREIGN AFFAIRS

AUDITOR GENERAL'S REPORT—SPONSORSHIP PROGRAM—RECALL OF AMBASSADOR TO DENMARK

Hon. W. David Angus: I wish to ask about a third name — Alphonso Gagliano. I ask this simple question: Why was he recalled from his ambassador posting in Denmark?

Hon. Jack Austin (Leader of the Government): Honourable senators, I was happy to answer that question earlier this week. As I said at that time, any individual who serves in a diplomatic post at the pleasure of the Crown can be recalled when that pleasure no longer continues. It is clear that the pleasure of the Crown was terminated in the case of Ambassador Gagliano.

Senator Angus: As a lawyer himself, is the government leader comfortable with that answer? The Leader of the Government has not answered the question. I asked the government leader to tell this place the reasons that caused the government to invoke its pleasure and call this man back. Even members of the Canadian media are inside elevators in Copenhagen talking to the man. Yet honourable senators in this chamber are not allowed to know why the government decided to fire the man at this time.

Senator Austin: I hope honourable senators will understand that I am not willing to be provoked into editorial comments about any individual. I believe the judicial inquiry that has been structured is the proper place for these subjective issues to be developed. Clearly, the ambassador, when he was Minister of Public Works, had a political and/or policy responsibility for what took place in his department. Mr. Gagliano's role or involvement in the particular allegations made by the Auditor General will remain to be seen and should be brought out, not in the hot fire of political rhetoric but in the cool and calculating analytical circumstances of a judicial inquiry.

Senator Angus: In the interests, again, of comity, there is a blatant contradiction in what the leader has said. Poor Mr. Gagliano has been pre-judged, fired and dismissed by the executive branch of this government. On the other hand, all these other people are getting the benefit of a judicial inquiry and *audi alteram partem*. They are having their day in court. Why was Mr. Gagliano not afforded the same courtesy and the same rights as a citizen? Why was he recalled?

Senator Austin: The government has made it clear that given the circumstances in domestic Canadian affairs today, it would not be possible for the ambassador to carry out his functions as ambassador. The domestic situation and the allegations made impair his credibility in his mission. Therefore, he has been recalled. The honourable senator used the word "fired," a word that I am not willing to use.

The Hon. the Speaker: Honourable senators, the time for Question Period time has expired.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I wish to ask the house for agreement to extend Question Period for two more questioners.

The Hon. the Speaker: Honourable senators, is leave granted?

Some Hon. Senators: No.

The Hon. the Speaker: Leave is not granted, honourable senators.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I should like to call first Bill C-6, respecting assisted human reproduction and related research, followed by Bill C-5, respecting the effective date of the representation order of 2003.

[Translation]

ASSISTED HUMAN REPRODUCTION BILL

SECOND READING

Hon. Yves Morin moved the second reading of Bill C-6, respecting assisted human reproduction and related research.

He said: Honourable senators, on October 30, 2003, I moved the second reading of the bill on assisted human reproduction. At the time, I made a detailed review of the main features of the bill.

[English]

On October 30, honourable senators may remember that I gave in this chamber a wide-ranging speech covering all aspects of this important and complex bill. I will not repeat today the arguments in favour of the assisted human reproduction bill. Let me say simply that it has been a long time coming. It has been more than 10 years since the royal commission issued its report.

Bill C-6 deals with assisted human reproduction, or the use of human reproductive materials for the purpose of creating an embryo, and the use of an in vitro human embryo for any purpose. However, at its heart, Bill C-6 is about protecting the women who use assisted human reproduction services and about protecting the children who are born as a result.

Honourable senators, last November, following my speech and subsequent debate in this chamber, the Senate adopted a motion to refer the bill to the Standing Senate Committee on Social Affairs, Science and Technology. That is where matters stood when Parliament was prorogued, and where matters stand today.

Therefore, I invite honourable senators to repeat that procedure and refer the bill to committee without further delay so that committee members can thoroughly scrutinize the bill and hear from witnesses covering all points of view.

I also invite all honourable senators to attend our committee meetings. I am sure our sessions will be informative and will help all of us to form enlightened opinions on this most important legislation.

• (1000)

Hon. Marjory LeBreton: Honourable senators, following up on Senator Morin's comments, the spokesperson for our side has been Dr. Keon. He made his views on this bill known in the last session of Parliament and has nothing further to add. Therefore, I move that Bill C-6 be referred to the Standing Senate Committee on Social Affairs, Science and Technology.

The Hon. the Speaker: Does any other senator wish to speak?

Hon. Anne C. Cools: Honourable senators, I just stepped out of the chamber for a moment or two. I believe that we are on Bill C-13, and this is the first speech on Bill C-13. Am I correct?

The Hon. the Speaker: We are on Bill C-6, Senator Cools.

Senator Cools: Bill C-6 now is the old Bill C-13. Is this the reproductive technology bill? Yes. So I am absolutely correct.

I do not understand. I thought I heard Senator LeBreton move a motion to refer the bill to committee. I thought that that was a little unusual. That is usually done by the government side, usually a government member or the deputy leader.

The Hon. the Speaker: The mover of second reading has spoken, and the second speaker was from the opposition, Senator LeBreton. We are now at the stage where I am asking the chamber if it is ready for me to put the question on second reading.

The issue that Senator LeBreton raised as to which committee the bill is referred to will have to be resolved at some point if we follow our practice of referring bills to committee, but we are not quite at that stage. We are at the stage of second reading. Is the house ready for the question on second reading?

I will put the question: It was moved by the Honourable Senator Morin, seconded by the Honourable Senator Gauthier, that this bill be read the second time.

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

[Translation]

Hon. Yves Morin: I move that the bill be referred to the Standing Senate Committee on Social Affairs, Science and Technology.

[English]

Hon. Marjory LeBreton: Honourable senators, I will repeat what I said a moment ago. Our spokesperson, Senator Keon, put his views on this particular bill before the Senate chamber in the last session. I am simply rising to support that this bill be referred to the Standing Senate Committee on Social Affairs, Science and Technology.

The Hon. the Speaker: I will put the question. It was moved by the Honourable Senator Morin, seconded by the Honourable Senator Jaffer, that the bill be referred to the Standing Senate Committee on Social Affairs, Science and Technology.

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

ELECTORAL BOUNDARIES READJUSTMENT ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. David P. Smith moved the second reading of Bill C-5, respecting the effective date of the representation order of 2003.

He said: Honourable senators, I am pleased to sponsor and to open the second reading debate in the Senate on Bill C-5. Many senators will be aware that the bill has been reinstated from the previous parliamentary session. It was originally passed in the other place on October 23, 2003, and received first reading in the Senate when Parliament prorogued on November 12, 2003.

This bill enjoyed much support in the other place, and the only party to vote against it was the Bloc Québécois. I should like to repeat that because it is important. The only party to vote against this bill in the other place, which is the place most directly affected by this bill, was the Bloc Québécois. The reason they voted against it really had nothing to do with the contents of the bill. They voted against it, and this is clear from their comments in the

debate, because they felt that the percentage of seats that Quebec has should remain constant and that nothing should be done to change the number of seats unless their percentage goes up. They currently have 75 out of 301 seats, and they made it clear that in the event there are any changes, they think they should go to 77. That is a separate issue, and we could debate it some other time. However, what is really before us is the effective date, and the only party to vote against that in the other place was the Bloc, for reasons that have nothing to do with the content of the bill.

Bill C-5 is an important piece of legislation for Canadians and for Canadian democracy because it protects the quality of our representative democracy by ensuring that a new, up-to-date electoral map is in place as soon as possible. Canadians are entitled to updated electoral ridings that reflect the changing face of our nation, and that is exactly what this bill does. It ensures that implementation of new electoral boundaries is not delayed beyond the minimum period required for operational reasons — not policy reasons but technical, operational reasons. To delay any longer is to postpone fair and more effective representation for Canadians.

Like our colleagues in the other place, honourable senators, I trust that we share a common commitment to ensuring fair representation in Parliament and ensuring that our electoral system properly reflects the voices of all Canadians and the diversity of all regions of the country. In a democratic system that takes representation by population as its starting point, an up-to-date electoral map is essential.

I say that representation by population is a starting point, but it is not the only point. We have other criteria in our Constitution, and I am sure everyone is aware of the Senate floor provision, which means that no province can have fewer seats in the Commons than they have in the Senate. The beloved Island, Prince Edward Island, has four senators and can never have fewer than four seats in the Commons. That alone is a good reason to perpetuate this noble institution.

Some Hon. Senators: Hear, hear!

Senator Smith: That is that valid principle, and it is in there. In addition to that floor, we also have a floor that was enshrined in legislation in 1986, which says no province can have fewer seats in the Commons than they had on that date.

This concept of representation by population has not always existed. I was reading just the other day of a famous case in Britain in 1821. They had what were referred to as rotten boroughs. There was a situation where one riding in the British House of Commons only had three eligible voters, and those three eligible voters were an earl, his son and the butler. The problem was that to be nominated to run, you had to have an eligible voter both move and second the nomination. They could not agree. The earl was not eligible. They could not agree as to whether it would be the son or the butler. This case achieved quite the notoriety, and senators will not be shocked to learn that the earl's son was finally nominated.

• (1010)

In 1832, there was the great reform bill, the Bright and Cobden bill. Students of parliamentary democracy will know that tremendous strides were made in that bill in respect of the concept of representation by population. Some honourable senators have been to my home in Toronto where I have hanging on the wall, with great pride, an original copy of the print of the reform dinner held in 1832 to celebrate that notable occasion in the development of parliamentary democracy.

We cannot assume that these principles always existed. Bill C-5 corrects an existing serious weakness. Currently, we have an electoral map that is 13 years out of date. It is based on the 1991 census and we are in the year 2004. It will always be a bit out of date, but why should we unnecessarily keep ourselves in a straight jacket.

The representation order of 2003 was proclaimed on August 25, 2003. All that remains to do now is bring it into force. I am certain that honourable senators are aware that the new electoral map will add seven new seats to the House of Commons. British Columbia and Alberta will receive two seats each and Ontario will receive three seats. It is important to the citizens of these provinces that they receive the benefit of an increase in representation to which they are entitled. Otherwise, their residents will be under-represented. Even for provinces that do not need additional seats to accommodate population growth, redistribution is necessary to reflect demographic shifts within. This causes challenges for people from, for example, certain areas of Northern Ontario and other rural areas. The reality is that there are exploding suburbs in some cities that are grossly and unreasonably under-represented; and that should not occur.

If an election were called prior to August 25, 2004, without this proposed legislation in place, then Canadians would be stuck with an out-of-date electoral map for another four years before the new boundaries could come into effect. If that were to happen, then four years from now we would have a map 17 years out of date. The current map is already 13 years out of date. Why would any rational body of legislators put themselves in that kind of straightjacket when it is simply not necessary?

Honourable senators, I think our job is to ensure that the new electoral map is in place as soon as possible. The challenge we face in accomplishing that objective is the automatic one-year grace period provided for in the Electoral Boundaries Readjustment Act. That grace period delays the coming into force of the new electoral boundaries for one year following proclamation. It is intended to give the Chief Electoral Officer of Canada and political participants adequate time to prepare for and adjust to the new boundaries. That means that we have to deal with it. There is a simple way to do that: Bill C-5 shortens the grace period to the minimum duration period possible, taking into account various operational and administrative necessities.

Why was this one-year grace period put in the act in the first place? I understand this provision goes back to the 1960s and an era when maps were drawn manually. However, over the last decade, let alone the last 40 years, dramatic technological advances have occurred whereby, with the click of button,

boundaries could be changed, rearranged and replaced before ones eyes on a computer screen. This task, which before took weeks to complete, could now be completed in minutes. There is simply no longer a need for the provision of a lengthy grace period to prepare for new boundaries.

The Chief Electoral Officer of Canada, Mr. Jean-Pierre Kingsley, made it clear on two occasions — most recently on November 12, 2003 — that Elections Canada is ready to implement the new electoral boundaries for any election called on or after April 1, 2004. It is disappointing that suggestions came from some quarters that Mr. Kingsley was pressured into doing this. He appeared before committee and said absolutely that he was not pressured. I find it refreshing for someone in his position, who is aware of the situation, to say that he could be ready to go as soon as we are ready to go. He has said that it is our decision and not his decision and that months ago the date suggested was April 1. I found that quite refreshing, and I am disappointed that some people suggested sinister motives.

Why delay? There is absolutely no public policy rationale for a delay; it just does not exist. If Elections Canada is ready to move ahead now with updated electoral maps that would ensure fair representation for the next election, how could we justify any further delay? Given that the April 1 date is achievable, why not get on with it? We have known about that date for many months. How would we explain to voters in British Columbia, Alberta and Ontario that their additional seats are being put in jeopardy? How would we justify that? I do not think that we could.

Honourable senators, allow me to put the proposition in a legal sense. If we pass this bill, then no stakeholder is adversely prejudiced. How could any stakeholder be adversely prejudiced by the passage of a bill that would implement a principle with which we agree — as much representation by population as possible and as soon as possible after the boundaries have been finalized according to due process?

In the House of Commons, the Bloc voted against the bill. A spokesperson for the Bloc stated: "We have no reason to doubt the neutrality of the Electoral Boundaries Commission for Quebec, chaired by the Honourable Pierre Boudreault. The commission has made a decision that is not to our liking, but the process was transparent and neutral. We believe it was completely untouched by any political interference." What better stamp of good housekeeping approval could one ask for in terms of the public policy aspects of this issue?

I am hopeful that honourable senators can discard partisan political leanings to pass Bill C-5. The only criterion, from a policy perspective, is this: When would it be technically possible to implement the new boundaries?

Honourable senators, timely redistribution is an issue of fundamental electoral fairness, ensuring that the right to vote remains meaningful for all Canadians. The Constitution requires it. There was a landmark decision on the right to vote as enshrined in our Constitution. The Supreme Court of Canada identified "effective representation" as the key principle that must guide electoral redistribution.

• (1020)

The court's words at that time remind us of what is at stake in this legislation. In a 1991 decision, *Attorney General of Saskatchewan v. Roger Carter*, the present Chief Justice, Beverley McLachlin — who was not Chief Justice at the time — wrote:

Ours is a representative democracy. Each citizen is entitled to be represented in government. Representation comprehends the idea of having a voice in the deliberations of government as well as the idea of the right to bring one's grievances and concerns to the attention of one's government representative.

Justice McLachlin continued:

What are the conditions of effective representation? The first is relative parity of voting power. A system which dilutes one citizen's vote unduly as compared with another citizen's voice runs the risk of providing inadequate representation to the citizen whose voice is diluted. The legislative power of the citizen whose voice is diluted will be reduced, as may be access to and assistance from his or her representative. The result will be an uneven and unfair representation.

Do we want to do that? Of course we do not. I suppose there may be some cynical thoughts about this in certain quarters.

Some Hon. Senators: No, no!

Senator Smith: That is unfortunate, but I think it is clear that the only public policy rationale that should affect the timing of when new boundaries, having been established by due process, come into effect is: How soon can you do it? When we have the Chief Electoral Officer saying for some time that they can be ready for April 1, that is good enough for me.

I think that rationale is probably inherent in the bill presented by Honourable Senator Kinsella. He must think that that rationale is good. The only thing that is different in the wording is the date. Why is the date in Bill C-5 April 1? It is because that is when the Chief Electoral Officer said he would be ready. It is that simple. It was not anything else.

Honourable senators, out of fairness to citizens of this country and to ensure the continued quality of our democratic system, periodic readjustment is essential. It is imperative that we bring our new electoral map into effect as soon as possible, and to shorten this one-year grace period, now required by law, but for reasons that no longer really have a *raison d'être*. I hope that all honourable senators will come to the same conclusion and that we can get on with this and try to avoid jeopardizing electoral fairness for all Canadians.

Hon. Lowell Murray: Will the sponsor of the bill permit a question?

Senator Smith: Certainly.

Senator Murray: Honourable senators, my friend has made a very strong case in favour of the impartial and neutral process of redistribution that this country has enjoyed since the mid-1960s and which is not really at issue in this debate. We all agree that it has worked wonderfully in this country except on those few occasions that politicians have tried to manipulate it.

In making his case, the honourable senator gave a whole new meaning to the term "due process," which he employed I think three or four times in the course of his speech.

My question is this, and I hope I will have an opportunity to take part in the debate later on: If the government is so convinced that the 12-month period is now too long, that it has been overtaken by events and that we can well do with a much shorter period than 12 months, why did the government not proceed to change the law rather than shorten the period for this one election only?

Senator Smith: That is a good and valid question, one that I wondered about myself. I think the answer is that the Chief Electoral Officer had indicated that he thought it would be appropriate for him to do a review of the length of the period and what we really do need on a permanent basis. The period between the time the order came into effect, which was August 25 of last year, and April 1, as I do my mathematics, is seven months and one week. He may wind up reporting that he needs four months or three months or five months. I do not know.

Senator Murray: A bit of a switch, as was suggested earlier.

Senator Smith: Yes, that is true with regard to the maps, but there are other issues with regard to personnel and various officials, returning officers and so forth, that take a little longer; but he may conclude it is briefer. I think that what he was responding to was, in the particular circumstances that exist now, what would be the earliest date he could be ready, and he said April 1. If this bill passes, I believe there will be a review to determine an appropriate grace period. I think it may very well be shorter than seven months and one week.

Senator Murray: Even allowing for the views of the Chief Elections Officer on this occasion, how can the honourable senator be sure that all the other players — principally candidates, political parties and so forth — can also be ready in a shorter time frame?

Senator Smith: Honourable senators, I do not think there has ever been an election in history, in any place, where everyone was perfectly ready.

The question is: What sort of due notice has there been? He articulated the date of April 1 many months ago. All of the parties have been aware of that date for many months. They have proceeded on the assumption that the next election will be held with the new boundaries in place.

The honourable senator is an experienced political strategist. I think that all of us know that voters in Alberta and British Columbia, in particular, would be outraged if we went to the polls on 1991 data. Voters in Ontario roll with it. I do not think that any political party would go into an election based on those boundaries. Chief Electoral Officer Kingsley did the right thing and he should be congratulated. He said, "This is when I can I do it if the legislators say that is what should happen."

Hon. Jack Austin (Leader of the Government): Does the honourable senator not think that the bill would address, at least in part, the problem of Western alienation in that British Columbia and Alberta would be counted for once?

Senator Smith: There is no doubt about that. I am familiar with those sentiments, having spent some years in school in Victoria, British Columbia.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I trust that the Chief Electoral Officer will be called as a witness before the committee that will be examining this bill. If Mr. Kingsley advises the committee that he would be much better prepared to conduct a fair election if he had 10 more weeks of preparation, would the honourable senator support an amendment to the bill to give an extra 10 weeks?

• (1030)

Senator Smith: Honourable senators, that is a hypothetical proposition. Mr. Kingsley has already been on the record, in writing, saying, many months ago, that they would be ready by April 1. I take him at his word. If he were to indicate some dramatic change of heart to us, I guess we would deal with it when we heard about that. However, there is no point going down that road, because we have not heard that. Mr. Kingsley takes his duties very seriously, and he has indicated for many months that they will be ready to go for April 1.

Senator Kinsella: To the extent that part of your argument has been the level of preparedness of Elections Canada, if we had direct testimony that Elections Canada would be more prepared to conduct a fairer election if they had another 10 weeks, why would the honourable senator not support an amendment to that effect?

Senator Smith: Because you could also argue that if Elections Canada had another five years, they would be even better prepared. Why not carve it in stone and end up with rotten boroughs like they had in Britain, when they had three voters and one riding and the poor butler did not get to run?

Hon. Norman K. Atkins: Would the honourable senator agree that it would simplify matters if the government were to agree not to have an election in the fall and then we would not need this bill?

Senator Smith: The government may very well decide that.

Senator Murray: What would you advise, given the circumstances?

[Senator Smith]

Senator Smith: The government, whenever it decides on a date, will have to defend that decision to the Canadian electorate. Senator Atkins is a very experienced political manager, one for whom I have the highest regard. He is aware that it is not unusual for a new Prime Minister to want a mandate as soon as possible. Quite frankly, I think that is desirable. I do not think anyone will keel over from cardiac arrest from the shock of that pattern being followed. Having said that, whatever date a government decides on, they have to defend.

Senator Atkins: Honourable senators, if the Prime Minister had taken my advice, the day he was sworn in, he should have walked across the street and issued the writ.

Senator Smith: Well, if I can take that as a question, I will send the Prime Minister a copy of today's *Debates of the Senate*, so that he may read your comment.

On motion of Senator Kinsella, for Senator Lynch-Staunton, debate adjourned.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Trenholme Counsell, seconded by the Honourable Senator Massicotte, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the Third Session of the Thirty-seventh Parliament.—(6th day of resuming debate)

Hon. Jim Munson: Honourable senators, I thank you. Here I am. I thought my maiden speech and I would be front-page news. However, other news is going on. I am astounded! I thought there would be a full gallery. Certainly, the message will get out somewhere.

When I first arrived in Ottawa in 1972, I discovered that this is a rough and tumble game, this game of politics. I was six foot two then. Thank goodness I am in the Senate, because I can still stand up here and be seen!

I should like to congratulate the new leadership in the Senate, Senators Austin, Rompkey and, of course, Losier-Cool. Senator Losier-Cool and I have a special relationship, going back to northern New Brunswick. When my wife, Ginette, and I were first married, our first apartment was in the senator's house. It really is a small world.

An Hon. Senator: Did you pay the rent?

Senator Munson: Before I get too partisan, honourable senators, I should like to remember and pay tribute to two Progressive Conservative friends, the late Finlay MacDonald and the late Dalton Camp. Like two other Maritimers, Allan MacEachen and Al Graham, over all these years, Finlay MacDonald and Dalton Camp were generous with their

knowledge, their spirit and, most of all, with their time. I have fond memories of sitting on Finlay's porch in Chester, Nova Scotia, spending hours doing something that is difficult for a reporter to do — that is, listening. Finlay's stories — and it did not matter whether it was Liberal stories or Progressive Conservative stories — were captivating, and I certainly learned a lot. Those nights and days were very special.

[Translation]

I am very pleased to find myself in such illustrious company today. It is a great day for me, the first one of a new stage in my life. I am convinced that, along with my distinguished colleagues, we will do a good job.

[English]

I am sure that my honourable colleagues had similar feelings the first day they found themselves addressing the Senate of Canada. I am sure that, like me, they felt varying degrees of humility and pride, along with, perhaps, a good dose of bewilderment and nervousness. Goodness knows, as I have sat here the last few days, every time an honourable senator stood, including the Leader of the Opposition, and said, "adjournment," I was out of my seat and ready to leave. Each time, I have been told to get back to my seat, because the word "adjournment" is part of the normal business of this place.

One cannot help but look back at one's own life journey to see the turns in the road that led to this chamber. For me, it started with my father. Senator Mercer and I shared similar feelings the last few months. The late Reverend J. E. Munson, a United Church minister, who passed away a few months ago at age 93, was a great dad. He was a man who believed in service for the greater good and a man who believed that we all share a responsibility for making our country, as well as our communities, places of peace, goodwill and shared prosperity.

I turn now to Campbellton, New Brunswick, in the 1950s. It was my father who took me with him, on Thanksgivings, Christmases and other days, to visit families across the track, so to speak, across from the manse, our comfortable home. He took me with him so that I would learn that we all have a responsibility to help those in need. It was one of my first lessons in social values.

My father loved politics. Picture this scene: It was the late 1950s, 1957 or 1958, and an election campaign was underway; there was a train with bunting on its back transporting the leaders to town. It was like a scene from a movie, a wonderful scene. I was 12 years old and my dad had taken me to the station, where all these men were bundled up in their warm coats. John Diefenbaker had come to town. We listened as Diefenbaker made his stump speech at the back of the train. I got up close to shake his hand — and I am not saying anything about politics here — but Diefenbaker did not shake my hand. Perhaps he did not see me. However, only two days later, Lester B. Pearson came to

town, and my dad and I did the same thing — all bundled up in the same wonderful scene. When I went up to shake Pearson's hand, he shook my hand! I guess I have been a Liberal ever since.

Some Hon. Senators: Hear, hear!

• (1040)

If these stories explain my political allegiance, they also demonstrate the importance of early experiences in shaping one's destiny. When the former Prime Minister offered me a job as his senior communications adviser, my father said it was a wonderful opportunity. I am sure that if he were alive today, he would say what a wonderful opportunity to be in the Senate, that I have a chance to do good. That is what I will aim to do, honourable senators, as I join you in this chamber.

In my many years as a journalist, I studied politics with a view to telling a story. When I became a staffer in the Prime Minister's Office, journalist friends would call me all the time and, almost in a conspiratorial tone, would say, "What is it like on the dark side?" My answer: "I have been enlightened."

Now I am offered yet another perspective into Canada's political system. Honourable senators, I welcome more enlightenment, and I am truly honoured.

A few weeks ago, I was at my son's soccer game and an exuberant woman came up and congratulated me and kissed me. I was very happy, but as I was walking away she yelled out — and everybody heard — "But what do you do in there?" She was referring, of course, to this chamber.

It has not taken me long to determine that there is a lot being done in here and out there and that senators are devoting their efforts to righting what they see as wrong in our society. I am honoured to work alongside people as devoted as Senator Joyce Fairbairn, who has directed her efforts to literacy, as well as Senator Pearson, Senator Carstairs and Senator Keon. I watched with great interest, in the last week or so, his tremendous work toward contributions and support of the Ottawa Heart Institute.

I learned so much in only one week from Senator Thelma Chalifoux. I learned a lesson in humanity and being humble, and I understood her work on behalf of the Metis and Aboriginal people, and indeed all people in terms of human rights, aging and gender issues. It was a tremendous week for me.

The recent Speech from the Throne spoke of removing barriers to opportunity. As I take my seat in this place, I plan to work toward building bridges of opportunity for others, particularly children. Policies since 1993 have made a difference when it comes to child poverty in Canada, but we know that more must be done. A working family that must visit a food bank does not care that the rates of child poverty have declined. A parent who must say no when a child needs a new pair of skates does not care that the rates of child poverty have declined. However, we, the parliamentarians of this great country, must care and we must take more action.

Hon. Senators: Hear, hear!

Senator Munson: Several years ago, when I was working as a broadcast journalist, I covered a story in the community of Whitney Pier, Nova Scotia, near Sydney. It was a simple concept. A community centre offered a breakfast program, an exercise room, a library and, more than that, a place for kids, for teenagers, simply to hang out. Times were tough and because of lack of funds the community centre was going to close. I told this story as a journalist. I do not know who this gentleman is, but in Toronto, someone saw this story on CTV. That person pledged \$50,000 toward that centre. It reopened and governments had to match those funds. That centre is open today.

I have learned how the stories I covered could have an impact beyond informing Canadians of the who, what, where and when — that the stories I told could make a difference, could help make change for the greater good. As a journalist, I covered stories that dealt with some of the most disturbing and depressing sides of the human condition. Not every story had an alternative ending like the Whitney Pier Community Centre. There were the children of Davis Inlet; there was Tiananmen Square.

I often ask this question: How I can do more? Now, senators, I feel that I can do more. I want to devote my efforts to build bridges of opportunity for the less fortunate. That is why I will be working with Special Olympics Canada, a national grassroots organization that provides sports training and competitive opportunities to more than 25,000 athletes with intellectual disabilities. I will be working with the Ottawa Senators Foundation, an organization that helps disadvantaged youth in a variety of ways. This is a beginning for me, but it is my hope to do more.

There are many detractors of the Senate, but I do not have to tell you that. I was asking Senator Mercer a couple of moments ago and Senator Andreychuk — am I a politician now? I guess I am. One only has to look at how provincial governments, the federal government and the private and voluntary sectors are cooperating to promote literacy to see the handiwork of Senator Fairbairn. One only has to look at the legislation and social policies on behalf of children to see the mark of Senator Pearson.

A strong democracy is not about reflection; it is about striving for something better. That is why I am a supporter of the Canadian Firearms Program. We know the program has had problems, but we also know that it has saved lives. It has improved the security of Canadians by providing police officers with important information before they arrive at a crime scene; by keeping firearms out of the wrong hands; by reducing the number of lost and stolen firearms; by protecting spouses, usually women, from abusive partners; and, finally, by reducing the number of firearms being used in crimes.

[Translation]

Honourable senators, I come here with a lot of energy and a great deal of respect for those who work to implement our policies. In recent years, I have seen the work of public servants and politicians; I have witnessed their dedication and intelligence. I have great respect for their ability to cooperate and to take an

idea and turn it into a policy or a bill, into a measure that promotes the well-being of all.

[English]

There is a call for change in Parliament, a call for us to develop a new culture of collaboration and consultation. This is very positive. There is a call for a greater degree of transparency, with which I agree. I believe that as a senator I should be held to the highest ethical standards. That is why I will be supporting Bill C-4.

Some Hon. Senators: Hear, hear!

Senator Munson: I believe this bill is in the best interests of the Senate and ultimately strengthens our parliamentary functions. However, I would like to be clear. While I support change and renewal, it must be rooted in rich traditions of Liberal social policies. I intend to uphold the Liberal legacy of Pearson, Trudeau and Chrétien, a legacy that stresses the importance of social policy in the political equation of the times. Canada can be proud to have one of the most successful Liberal regimes of any country in the world. We cannot abandon our history to the demands of the present.

As a senator, I will raise awareness and bring issues to the attention of cabinet. My father taught me how an individual can make a difference in his or her community. My life experience has taught me how much more of a difference we can make as a team. I am a team player, literally and figuratively, perhaps not as an Ottawa Senator, but as a senator in Ottawa. Here in the Senate, I will be one of the players who help make the plays. I will build bridges, engage with people and with communities — because the communities is where I feel that my work, our work, can be put to the test and perhaps done the best — and advance causes that are close to my heart.

Honourable senators, I consider government to be an agent of good. All of us here have our moment to take the floor and help create the conditions that provide individuals and communities with opportunities to flourish, for as the Speech from the Throne stated, by sharing opportunity we also share prosperity. We have a role to play. There is something we can do.

Our opportunities are not limited by our borders, either. Canada is an international success story and the envy of countries around the globe. I have seen that as a journalist for over 10 years working overseas. During some of those times, I would have to explain Meech Lake or Charlottetown to people who came up to me. They would look at me and say, "Is that your only problem?" They could not understand it.

We have made our mark by our contributions and our actions, and also by the openness of our society. I am very proud that the Prime Minister's reply to the Speech from the Throne confirmed that Canada will be moving ahead with legislation to provide low-cost pharmaceuticals to combat HIV/AIDS in the least developed countries. It is to be called the Jean Chrétien pledge to Africa act, a fitting tribute to the international vision and integrity of the former Prime Minister.

• (1050)

In closing, I would like to say that there is a great team here. I am thinking of Senator Léger, Senator Mahovlich, and senators on this side. We are having so much fun here with Senator Andreychuk. We are learning a lot about how the Senate works. Honourable senators, I am proud yet humbled to be among this distinguished group. I promise to do everything I can to contribute to an effective team that has the best interests of Canadians at heart. I am ready to make a contribution, as my father taught me to do, toward the greater good of Canada, and I intend to have much to say the next time on the soccer pitch when asked, "What do you do in there?"

Hon. Tommy Banks: Honourable senators, many of us, perhaps all of us, were delighted to learn that the Speech from the Throne contained the following sentences:

Another defining characteristic of our communities and of our reputation around the world is the vitality and excellence of our cultural life. Canada's artists and cultural enterprises are among our best ambassadors, as well as being an increasingly dynamic element of the knowledge economy. Their work holds a mirror on our society and builds a legacy for future generations.

Those are welcome words, honourable senators, because when Her Excellency said them they reflected that the government knows there is a place, as opposed to a role, for the arts and cultural industries in the economic structure of which most people are less aware.

To many Canadians, the arts and cultural industries are a segment of society inhabited by a bizarre people doing bizarre things, which we tolerate with a degree of condescension and amusement, just so long as they keep their place. We in the arts do count some pretty interesting characters among our number. After all, what we do is a little bit out of the ordinary in the first place. The point is that each of those strange individuals is, in his or her unique way, an entrepreneur; the proprietor and operator of a small business, concerned with marketing and cash flow, and long-range planning and the like. People in those businesses do not call them by those names, but that is what they are. Surprisingly, it is a really big economic factor in this country.

Many people think of the arts as some frivolous activity conducted in leisure time, and it can be that and it is that, and thank goodness for it, but the arts are also a very large, thriving and growing industry in our country and in all our provinces, and especially in our cities and towns.

That is not the most important thing about arts and culture. The aesthetic values and the quality of life values are the most important things. Civilizations, past and present, are known to historians and to their contemporaries not so much by their bank accounts as by their cultures. Economic importance does count though — economic importance, as well as our aesthetic value.

Economists and politicians — some politicians — have suddenly realized that here is an industry that, with relatively

low levels of support from governments, is one of the most labour-intensive, cost-effective, efficient areas of our business sector, and one that deals primarily with a constantly renewable resource — people with talent and with a vast potential for growth.

In my province alone, in 1994, Statistics Canada concluded that there were 41,627 Albertans employed in that sector. Those are full-time employed tax-paying Canadians in Alberta. That was then 7.9 per cent of the national cultural labour force. That is not counting 15,000 Albertans employed in the heritage sector, and it is not counting 1,300 Albertans employed in respect of the arts and culture in government. In all, the number of Albertans in the cultural labour force is 58,302.

As I mentioned in my previous speech, the cost of creating a job in heavy industry is about \$200,000. In light industry, it is about \$100,000. In the arts and cultural industries, it is about \$20,000. Why is that? Well, there are a number of reasons, but the simplest and most applicable reason is that people in the arts are driven to do what they do and the industry rewards them very efficiently.

Why would people do something at which they are likely to earn less money than they could at something else? It is because the world is changing profoundly. One of the ways in which it is changing is that people want jobs in which they can be proud, in which they can demonstrate their individual abilities, in which they have a direct sense of personal worth, and those are exactly the kinds of jobs that arts and cultural industries offer. These people and the places in which they work are businesses, not whimsical distractions, and they make significant contributions, not only to our quality of life but also to the economic health of our towns, our cities, our provinces and our nation. It is the industry of the arts — a labour-intensive renewable resource industry that has a potential for growth greater than any other, except perhaps its close cousin, tourism.

Each year, 7 million Canadians make significant purchases in the arts. This figure is expected to continue to grow, as it has over the past many decades. Obviously the arts and cultural industries are doing something right. They are not only labour-intensive, they are also very efficient in the way they reward their workers. Most manufacturing industries spend about 20 cents of every dollar on wages. The arts spends 66 cents of every dollar on wages, yet, in the arts, the average wage is just a little more than half of what it is in other manufacturing sectors.

Honourable senators will recall in my last speech I said that the cultural industries are among Canada's largest employers among manufacturing industries. Well, they are seventh on the list in respect to the size of their payroll. We have already discussed why that is. They are prepared to work for less money and, to be perfectly happy, and these days, doing what is more important than job creation. For every \$100 that it costs to create a job in conventional light manufacturing, five jobs could be created in the arts; five tax-paying, full-time employed workers. Using even the most conservative multiplier of 1.5, the arts have a direct economic impact in this country of more than \$40 billion every year.

The arts are appealing to Canadians. It is a good business. More people in any year in Canada attend cultural events than attend sporting events. They are important to us. If you think, even in respect of tourism, the reasons that people go places are climate, culture and shopping, mostly. It is the second two, certainly not the first two, which make Paris, London and New York, the tourist meccas they are. We do not go to London for the weather. In Toronto, almost 30 per cent of the visitors to that city go there specifically to see cultural attractions. Over half the visitors to the Stratford Festival come from outside Canada. In my city, I do not know how many people travel to North America's largest theatre festival, which is held in Edmonton, but it is a lot because you cannot get a hotel room for weeks.

Governments and private businesses at all levels have a huge stake in encouraging, as is suggested in the Throne Speech, growth in this industry, and I hope that its inclusion, as it was, in Her Excellency's speech to us will augur well for the arts and cultural industries in Canada's future.

On motion of Senator LeBreton, debate adjourned.

• (1100)

[Translation]

REPRESENTATION ORDER 2003 BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kinsella, seconded by the Honourable Senator Stratton, for the second reading of Bill S-7, respecting the effective date of the representation order of 2003.
—(Honourable Senator Robichaud, P.C.).

Hon. Fernand Robichaud: Honourable senators, I move that the debate be deferred until the next sitting day.

On motion of Senator Robichaud, debate adjourned.

[English]

STATUTES REPEAL BILL

SECOND READING—DEBATE ADJOURNED

Hon. Tommy Banks moved the second reading of Bill S-11, to repeal legislation that has not been brought into force within ten years of receiving royal assent.—(Honourable Senator Banks).

He said: Honourable senators, I wish to inquire as to whether honourable senators would prefer that I spoke to this bill at another time. If that is the case, I would ask that the remainder of my time be held for me to do so at the next sitting of the Senate.

An Hon. Senator: Agreed.

The Hon. the Speaker: I think we can rely on that suggestion as being agreed to and you would rise at the next opportunity.

On motion of Senator Banks, debate adjourned.

[Senator Banks]

POINT OF ORDER

Hon. Anne C. Cools: Honourable senators, I rise on a point of order that I believe can be clarified quickly. I am referring to the *Debates of the Senate* of yesterday, February 12, 2004, immediately following on the intervention of Honourable Senator Banks. The record states clearly, "On motion of Senator Stratton, for Senator Tkachuk, debate adjourned."

Honourable senators, my recollection is that yesterday, when the order was called, Senator Banks spoke for a few moments and at the end of that process, since Senator Tkachuk was holding the debate from the previous day, all that needed to have happened was for the debate to fall back into Senator Tkachuk's name.

My recollection of the events yesterday was that Senator Stratton moved no motion whatsoever. He just said "stand," yet, it appears from the record that he made a motion. In actual fact, there was no need for a motion because the floor was yielded by Senator Tkachuk to Senator Banks. The adjourned debate would have just fallen back to Senator Tkachuk.

I do not know how this has happened, but it is not in order and is not proper. In actual fact, once a motion to adjourn has been made, and the next day an honourable senator rises and says "stand," there is no need for another motion for adjournment because "stand" means that the adjourned debate stands over. The stand is on the strength of the first or the previous adjournment motion. I do not know if there is some explanation to this meaning, but there is something wrong in the record of what transpired yesterday.

This record says very clearly that Senator Stratton made a motion. Senator Stratton is not here now, but Senator Stratton moved no motion yesterday to adjourn that debate. The debate should have continued to stand adjourned in Senator Tkachuk's name as by the order of the Senate from the previous day when Senator Tkachuk moved the adjournment.

I do not know if this is a mistake of some kind or if the record can be corrected, but I have no doubt that Senator Stratton yesterday moved no such motion and the record should not be saying that he did move a motion. I do not know if anyone else has noticed this, but perhaps it could be clarified quickly.

The Hon. the Speaker: I thank the Honourable Senator Cools for giving me notice of this concern. The record stands, but the Honourable Senator Cools is quite right; my recollection, as well, is that Senator Stratton simply used the word "stand." However, we have a rule that I had been made aware of by Honourable Senator Banks, which I will read. Honourable senators will recall that Senator Banks had spoken to the motion.

37(1) No Senator shall speak more than once. However, if a material part of the Senator's speech has been misunderstood, the Senator may speak again in the same debate. In such a case, the Senator, with leave of the Senate, shall be permitted no more than one period of five minutes to explain that part of the speech which was misunderstood. In so doing, the Senator shall not introduce new matters.

Senator Banks asked for leave. I asked if leave was granted and leave was granted. Senator Banks actually spoke pursuant to the rule. Our practice is that following an intervention such as a speech, we would have the process that was followed, which was an actual adjournment of the debate.

Perhaps the proper procedure would have been to say, "Senator Stratton, would you please use the words, 'I move the adjournment of the debate'?" I skipped over that, thinking that honourable senators would understand that we were simply following the rules. In the past, we have not made much of observing precise wording on these occasions. In any event, that is the explanation as to why we proceeded as we did.

Senator Cools: Honourable senators, I thought I was making myself clear. Perhaps I was not. My point was not related to Senator Banks' intervention or the rightness or propriety of his intervention. His intervention was perfectly in order. I had no problems with that. Honourable senators were pleased to agree to have him make the correction. That is not what I am speaking about.

The procedure should have been that as he made that intervention, which he was properly allowed to do, the adjourned debate should have fallen back; that is, the debate should automatically have fallen back to Senator Tkachuk without the need for any motion or intervention. Obviously, Senator Stratton understood that. He just said "stand"; in other words, stand over, as it was before.

What His Honour is saying essentially is that he spoke for Senator Stratton or made an innovation on Senator Stratton's part. It should be clarified that once a senator says "stand," there is no need for a new motion because "stand" means that the old motion standover until whenever. I wanted to make that clear.

The Hon. the Speaker: Honourable senators, I do not wish to prolong this matter; hence I will make a ruling.

I did not think that anything that Senator Banks did was outside of our regular practices. Rule 37(1) provides specifically for what occurred.

When we have an intervention such as a speech, which is provided for in the rule, the normal practice is that the debate is adjourned. It may be adjourned in the name of the same senator, although occasionally it is not, but we have not followed a precise way of doing that. The only issue that I can think of that is a problem here is that Senator Stratton did not use the words, "I move the adjournment of the debate" but rather said "stand." I put words in his mouth, I guess, and perhaps I will take this as an admonition to myself that I must be more careful in the future, and I will try to be.

However, my ruling is that the proceeding that took place is within the rules and, in particular, within the provisions of the rule that Senator Banks used to intervene a second time and that the process that was followed is not out of order.

• (1110)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

FIRST REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the first report of the Standing Committee on Internal Economy, Budgets and Administration (*Senate Supplementary Estimates 2003-04 and Senate Estimates 2004-05*), presented in the Senate on February 12, 2004.—(*Honourable Senator Bacon*).

Hon. Lise Bacon moved the adoption of the report.

Motion agreed to and report adopted.

SECOND REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Committee on Internal Economy, Budgets and Administration (*budgets of certain committees*), presented in the Senate on February 12, 2004.—(*Honourable Senator Bacon*).

Hon. Lise Bacon moved the adoption of the report.

Motion agreed to and report adopted.

FOREIGN AFFAIRS

BUDGET REPORT OF COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Foreign Affairs (budget—study on Canada-United States and Canada-Mexico trade relationship), presented in the Senate on February 12, 2004.—(*Honourable Senator Stollery*).

Hon. Bill Rompkey (Deputy Leader of the Government): Stand.

Hon. Eymard G. Corbin: Honourable senators, in the unavoidable absence of both the chair, Senator Stollery, and the deputy chair, Senator Di Nino, I should like to move the adoption of this report.

Hon. Marcel Prud'homme: Although neither the chair nor the deputy chair of the committee is here, I wish to say that there are other matters in the world that could be studied. I know that the United States is very important; it is our friend, our neighbour and our trading partner, as is Mexico. However, there are so many other issues that we seem to have been avoiding since the days of Senator van Roggen.

I hope that the Honourable Senator Corbin will relay this message to the chair and the deputy chair of the Foreign Affairs Committee.

Senator Corbin: Honourable senators, I should like to inform Senator Prud'homme that this initiative is to complete our study on NAFTA. The committee will be hearing a number of important witnesses in the coming days and weeks. In addition, I think it would be important for the committee to visit Mexico, to meet with ministers and government officials there. Indeed, the committee has been invited to do just that, just as it travelled to Washington to meet extensively with important people there, if I may put it that way.

I am taking very good note of Senator Prud'homme's comments for future studies of the committee.

Senator Prud'homme: I hope the honourable senator is aware that the committee so ably chaired by Senator Bacon slightly changed the permission for the number of people who will be allowed to travel.

Senator Corbin: The request was for the full committee to travel. The Internal Economy, Budgets and Administration Committee has approved the request but limited the number of senators to nine plus essential staff.

Senator Rompkey: Honourable senators, the record will show that I asked that the matter stand, which is, in view of the fact that there should be some discussion about this, perhaps the best course of action. It would be only a matter of standing it over until Monday, and I propose that that is what we do.

The Hon. the Speaker: I take that as a motion to adjourn the debate, because I did put the motion. It seems to me that we will have to be more careful.

As a matter of order, "stand" is sometimes said softly, sometimes loudly. The person responsible for turning on the microphone sometimes has it on but at other times does not.

If an honourable senator rises to put a motion just seconds after a senator says "stand," I am not sure what I should do in that situation. If a senator says "stand," is a senator who wants to move a motion prevented from doing so? If an honourable senator wishes to raise a point of order on that, I will deal with it — but I think not.

Senator Rompkey: Honourable senators, I move adjournment of the debate.

Senator Corbin: I do not want to get in trouble with my leadership here; however, sometimes these matters are called quickly, the upshot of which is that before a senator has time to rise we have already moved on to something else. There ought to be a reasonable delay, in the same way, Your Honour, as when you ask, "Is the house ready for the question?" In the course of asking that question, you pause, you look around, and sometimes you repeat the question. Let us give ourselves breathing space. The leadership may do what it wants, of course, but I am just acting on behalf of the committee.

The Hon. the Speaker: An intervention was made that was valuable, which I will put on the record. When an honourable senator says "stand," the item is stood when the Speaker repeats

the word. If the Speaker does that before seeing another honourable senators, then that is the decision of the Senate. It is, in effect, an agreement to defer or adjourn a matter to another day.

It was raised earlier as a point of order that each one of us should know what is going on in this chamber at any given moment. Granted, there are occasions when new senators, not yet accustomed to how we conduct our business, are here or when an honourable senator is distracted, but each and every decision we make is important. It has now been drawn to my attention by Senator Rompkey's intervention that the matter of "stand" can be an important decision.

I just mention that in passing in terms of the exchange we have had as to who I should have recognized first — Senator Rompkey in saying "stand" or Senator Corbin in moving the motion.

In any event, I do not think I said "stand" before I recognized Senator Corbin. In any event, we moved on. With those few words, I will take my leave of this subject and I will put Senator Rompkey's motion.

It is moved by Senator Rompkey, seconded by Senator Losier-Cool, that further debate be adjourned to the next sitting of the Senate.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

[Translation]

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

MOTION TO AUTHORIZE COMMITTEE TO STUDY CERTIFICATION OF PETITIONS TABLED IN THE SENATE—MOTION IN AMENDMENT— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Fraser:

That the Standing Committee on Rules, Procedures and the Rights of Parliament be authorized to examine, for the purposes of reporting by March 1, 2004, all Senate procedure related to the tabling of petitions in this Chamber in Parliament assembled, that a procedural clerk, having examined the form and content, certify the petitions in accordance with established standards and that follow-up be provided for in the *Rules of the Senate*.—(Honourable Senator Corbin).

Hon. Eymard G. Corbin: Honourable senators, so as not to delay government motions or private bills, I will address the matter of petitions very briefly.

In my decades in the Senate I have rarely heard any complaint about how we handle petitions. I have often wondered why we did things the way we did, when the House of Commons practice has evolved over time. It is vital for us to know why petitions are handled differently in the Senate than in the House of Commons or any other legislative chamber in Canada or elsewhere.

It is important to be aware of the history behind the Senate procedure. Anyone wishing to do so can come to the first floor of the Parliament Buildings and look at the petitions. I did so myself a few minutes ago. I was given clear confirmation that, once a petition is placed on the Clerk's table, the Clerk sends it to the *Journals of the Senate* for filing.

I also inquired whether people ever ask to examine these petitions. I was told that this almost never happens. However, the petition having been read by the senator who tabled it, its contents are thereby published in the *Debates of the Senate* and in the *Journals of the Senate*, and it is noted that the petition was presented. However, in examining some petitions, I realized that they are not correct as to form. This is perhaps something that deserves serious consideration.

In the House of Commons, petitions received are examined to ensure that they are correct as to form and content. The Senate completely ignores this practice.

I come back to my initial proposal: why has the Senate always received petitions in this way and simply filed them in the *Journals of the Senate*? No doubt, there are good reasons for this. We are not necessarily neglecting our democratic duty by not following up on a petition. Anyone can follow up on a petition by introducing a motion or a private or public bill.

Petitions need not necessarily die in the *Journals of the Senate* archives. Anyone, including the honourable senator presenting the petition, can introduce a bill, motion or an initiative or ask a committee to consider any matter. But petitions must first and foremost seek to right a wrong.

Yesterday, I quickly consulted a few texts, including Erskine May's *Parliamentary Practice* and Beauchesne's *Parliamentary Rules & Forms*, and there are other authorities in this field. The aim of petitions is to right a wrong. I consider this to be fundamental. This has been their purpose since Edward I was King of England.

Before we ask the Standing Senate Committee on Rules, Procedure and the Rights of Parliament to consider this matter, we need more information. We should not eliminate such a long-standing practice in this House without first knowing the reason for its existence. Then we can be constructive and ask the committee to consider the matter and to propose some alternatives. It is important, first, to respect the principles.

MOTION IN AMENDMENT

Hon. Eymard G. Corbin: Honourable senators, for this reason, I move:

That the motion be amended by deleting all the words after the word "That" and substituting the following therefore:

"the history of the practice in both the Senate and the House of Commons relating to petitions other than petitions for private bills, as well as the customs, conventions and practices of the two Houses at Westminster, be tabled in the Senate and distributed to the honourable senators before being referred to the Standing Committee on Rules, Procedures and the Rights of Parliament."

I would like to apologize to my English-speaking colleagues. The translation of my amendment is not yet available. It will be distributed to you as soon as possible.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

[English]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, Senator Corbin has indicated that the translation of his motion into English has not yet been prepared. In that case, I propose that we adjourn the debate until Monday. We will then have a copy of it.

If the debate were to continue, we would be on the motion in amendment. Without an English copy of the motion, we will not know what we are talking about.

On motion of Senator Kinsella, debate adjourned.

• (1130)

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO CONTINUE STUDY ON MEDIA INDUSTRIES

On the Order:

Resuming debate on the motion of the Honourable Senator Fraser, seconded by the Honourable Senator Joyal, P.C.:

That the Standing Senate Committee on Transport and Communications be authorized to examine and report on the current state of Canadian media industries; emerging trends and developments in these industries; the media's role, rights, and responsibilities in Canadian society; and current and appropriate future policies relating thereto;

That the Committee submit its final report to the Senate no later than Thursday, March 31, 2005; and

That the papers and evidence received and taken on the subject and the work accomplished during the Second Session of the Thirty-seventh Parliament be referred to the Committee.—(Honourable Senator Kinsella).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, this motion from the Standing Senate Committee on Transport and Communications has been before us for a few days, and it is time for us to study this in greater detail. I did this with the assistance of our colleagues on the committee. I am satisfied that it is well before us, and I would support the adoption of the motion.

The Hon. the Speaker: Is the house is ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

NATIONAL SECURITY AND DEFENCE

COMMITTEE AUTHORIZED TO CONTINUE STUDY ON NEED FOR NATIONAL SECURITY POLICY

Hon. Tommy Banks, for Senator Forrestall, pursuant to notice of February 5, 2004, moved:

That the Standing Senate Committee on National Security and Defence be authorized to examine and report on the need for a national security policy for Canada. In particular, the Committee shall be authorized to examine:

- (a) the capability of the Department of National Defence to defend and protect the interests, people and territory of Canada and its ability to respond to or prevent a national emergency or attack and the capability of the Department of Public Safety and Emergency Preparedness to carry out its mandate;
- (b) the working relationships between the various agencies involved in intelligence gathering, and how they collect, coordinate, analyze and disseminate information and how these functions might be enhanced;
- (c) the mechanisms to review the performance and activities of the various agencies involved in intelligence gathering; and
- (d) the security of our borders.

That the papers and evidence received and taken during the First and Second Sessions of the Thirty-seventh Parliament be referred to the Committee;

That the Committee report to the Senate no later than June 30, 2004 and that the Committee retain all powers necessary to publicize the findings of the Committee until July 30, 2004.

Motion agreed to.

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO CONTINUE STUDY ON STATE OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM

Hon. Wilfred P. Moore, for Senator Kroft, pursuant to notice of February 5, 2004, moved:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report upon the present state of the domestic and international financial system;

That the papers and evidence received and taken on the subject during the First and Second Sessions of the Thirty-seventh Parliament and any other relevant Parliamentary papers and evidence on the said subject be referred to the Committee; and

That the Committee submit its final report no later than December 31, 2004.

Motion agreed to.

NATIONAL SECURITY AND DEFENCE

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Tommy Banks, for Senator Cordy, pursuant to notice of February 10, 2004, moved:

That the Standing Senate Committee on National Security and Defence be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Tommy Banks, for Senator Cordy, pursuant to notice of February 10, 2004, moved:

That the Standing Senate Committee on National Security and Defence have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

ABORIGINAL PEOPLES**COMMITTEE AUTHORIZED
TO PERMIT ELECTRONIC COVERAGE**

Hon. Ione Christensen, for Senator Sibbeston, pursuant to notice of February 10, 2004, moved:

That the Standing Senate Committee on Aboriginal Peoples be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Ione Christensen, for Senator Sibbeston, pursuant to notice of February 10, 2004, moved:

That the Standing Senate Committee on Aboriginal Peoples have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

THE ESTIMATES, 2003-04**COMMITTEE AUTHORIZED TO CONTINUE
STUDY ON MAIN ESTIMATES**

Hon. Lowell Murray, pursuant to notice of February 10, 2004, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Estimates for the fiscal year ending March 31, 2004, with the exception of Parliamentary 10 and Privy Council Vote 25, and

That the papers and evidence received and taken on the subject and the work accomplished by the Standing Senate Committee on National Finance during the Second Session of the Thirty-seventh Parliament be referred to the Committee.

Motion agreed to.

NATIONAL FINANCE**COMMITTEE AUTHORIZED TO ENGAGE SERVICES**

Hon. Lowell Murray, pursuant to notice of February 10, 2004, moved:

That the Standing Senate Committee on National Finance have power to engage the services of such counsel and technical, clerical, and other personnel as may be

necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

**COMMITTEE AUTHORIZED TO PERMIT
ELECTRONIC COVERAGE**

Hon. Lowell Murray, pursuant to notice of February 10, 2004, moved:

That the Standing Senate Committee on National Finance be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

**RULES, PROCEDURES AND
THE RIGHTS OF PARLIAMENT****COMMITTEE AUTHORIZED TO STUDY
A CODE OF CONDUCT FOR SENATORS**

Hon. Lorna Milne, pursuant to notice of February 10, 2004, moved:

That the Standing Committee on Rules, Procedures and the Rights of Parliament be authorized to consider a code of conduct for Senators and that all related evidence and papers taken on this issue by the Committee in the 2nd Session of the 37th Parliament be referred to the Committee; and that the Committee be authorized to take into context the 51st Report of the House of Commons Standing Committee on Procedure and House Affairs from the 2nd Session of the 37th Parliament; and that the Committee report no later than April 1, 2004.

Motion agreed to.

ABORIGINAL PEOPLES**MOTION TO ADOPT SIXTH REPORT OF COMMITTEE
OF SECOND SESSION AND REQUEST
GOVERNMENT RESPONSE—POINT OF ORDER**

Hon. Ione Christensen, for Senator Sibbeston, pursuant to notice of February 11, 2004, moved:

That the sixth report of the Standing Senate Committee on Aboriginal Peoples, tabled in the Senate on October 30, 2003, during the Second Session of the 37th Parliament, be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the Government, with the Ministers of Indian Affairs and Northern Development, Justice, Human Resources and Skills Development, Social Development, Canadian Heritage, Public Safety and Emergency Preparedness, Health, and Industry; and the Federal Interlocutor for Métis and Non-status Indians being identified as Ministers responsible for responding to the report.

Hon. Eymard G. Corbin: Honourable senators, I wish to speak and raise a point of order. Yesterday, I drew to honourable senators' attention what I thought was an irregularity in Motion No. 2 presented by the Honourable Senator Gauthier. I raised a point of order, and the Speaker has taken the matter under advisement.

We are faced here with Motion No. 24, standing in the name of Senator Sibbeston, with an even greater sin. If one reads attentively the text of the motion, one will see:

That the sixth report of the Standing Senate Committee on Aboriginal Peoples, tabled in the Senate on October 30, 2003, during the Second Session of the 37th Parliament, be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response...

• (1140)

At least they got that part right because the rule provides for it. The request for a response from the government is included with the report, which is the ideal way of doing it under rule 131(2).

However, we are being asked to adopt a report that is not before the house. The previous session ended, the table was wiped clean and the report flew out the door. The report is not before the house.

Surely, honourable senators, we must put some order into this practice. I do not know what His Honour will have to say in respect of my point of order, but this is worse. The Senate would be committing a disservice to procedural practices if it were to proceed with this matter as it now stands.

I request that His Honour examine this proposal in light of the comments others and I made yesterday. Perhaps he could include it in his ruling on Senator Gauthier's Motion No. 2.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, in respect of this point of order, I agree with the points made by Senator Corbin. This situation is fundamentally different from the matter that is currently in His Honour's hands for a ruling because the Senate never adopted the report in question and so there is no continuing effect. If I may suggest, and if it would facilitate the work of His Honour, perhaps these issues could be joined. In that way, when His Honour rules on one point of order, he could make a ruling on this one. In making the basic distinction, I think the house would benefit from having the guidance of the Chair on how we should proceed because this is a relatively new rule.

[Translation]

Hon. Jean-Robert Gauthier: Honourable senators, Senator Kinsella has just explained the distinction that should be made. The report mentioned in Motion No. 24 has not been adopted by the Senate; therefore it is a committee report. Yesterday, when I asked the government to table a comprehensive response to the fourth report of the Standing Senate Committee on Official Languages, the report had been adopted on October 28, 2003. It had a particular status. The next day, October 29, I gave a notice

of motion. Two days' notice must always be given for this type of motion. Thus, on October 29, I had given notice that I would move that the government make a comprehensive response to the report.

These are two different cases. The first involves a committee report, which has a particular status. The report mentioned in the notice of motion that I presented had been adopted by the Senate. Thus, it is a Senate report and no longer belongs to the committee. That is the distinction to be made.

Hon. Fernand Robichaud: Honourable senators, I understand the point of order that has been raised, but we have before us a report prepared by a committee after considerable research and much consultation. I think it would be unfortunate to just shelve it.

The Senate may, perhaps, decide to seek a solution by which a committee could reinstate a report from the previous session, so that it could be submitted to the Senate and then, after the usual motions for its adoption, a request could be made for a government response.

[English]

The Hon. the Speaker: Do any other honourable senators wish to intervene?

[Translation]

Senator Corbin: Honourable senators, the other place has a procedure for reinstating unfinished business. The Senate does not. That is no reason for making exceptions to the long-established rules and practices of the Parliament of Canada — especially the Senate — to take up legislative bootlegging. If we want to reinstate something, let us do it properly.

Senator Robichaud's suggestion is the same one I made yesterday. I am not here to slow down proceedings. When I speak, it is to ask for respect for the rules and procedure. Otherwise, I warn you that it will not serve us very well in the long run.

[English]

Senator Kinsella: Honourable senators, Senator Robichaud raised another element. We already have the means available to the house if a committee wishes to come forward with a motion for an order of reference for a study that it had done but that had not arrived in the chamber to be debated and adopted or rejected by the chamber. Right now, a committee may ask for an order of reference on a given subject matter. Committees now are asking that the papers, et cetera, from a previous session be brought forward. In a sense, we have the vehicle available, but the critical point is that nothing exists as an opinion of the house until the house approves it. These are reports of committees and that is why, when they are published, even when the Senate is not sitting, the public is made to believe that the report is the opinion of the

Senate. However, the Senate may not have seen the report because it may not have been sitting when the report was published. The report and the expression of the Senate on the given subject matter does not exist until it is adopted by the Senate.

Senator Corbin: That is correct.

The Hon. the Speaker: I thank Senator Corbin for his point of order and other senators for their interventions. I will take the matter under consideration and return with a ruling as soon as possible.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO RECEIVE PAPERS AND EVIDENCE

Leave having been given to revert to Notices of Motions:

Hon. Tommy Banks: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the papers and evidence received and taken by the Standing Senate Committee on Transport and Communications during its study of Bill S-26, concerning personal watercraft in navigable waters in the First Session of the Thirty-seventh Parliament and the papers and evidence received and taken during the Second Session of the Thirty-seventh Parliament during the study of Bill S-10, concerning personal watercraft in navigable waters be referred to the Standing Senate Committee on Energy, the Environment and Natural Resources for its study of Bill S-8, concerning personal watercraft in navigable waters.

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Tommy Banks, pursuant to notice of February 11, 2004, moved:

That the Standing Senate Committee on Energy, the Environment and Natural Resources have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

• (11:50)

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Tommy Banks, pursuant to notice of February 11, 2004, moved:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

[Translation]

OFFICIAL LANGUAGES

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Maria Chaput, pursuant to notice of February 12, 2004, moved:

That the Standing Senate Committee on Official Languages be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Maria Chaput, pursuant to notice of February 12, 2004, moved:

That the Standing Senate Committee on Official Languages have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

[English]

BUSINESS OF THE SENATE

Hon. Sharon Carstairs: Honourable senators, is it not possible to take these motions together and move, for example, as I would be prepared to do, that Motion Nos. 31, 32, 33 and 34, standing in Senator Oliver's name, be now adopted, on the basis that they are all procedural items? There is nothing unusual about these. They are simply motions needed to set up a committee.

[Translation]

Hon. Fernand Robichaud: Honourable senators, in order to follow up on Senator Carstairs' suggestion, we could vote on the first motion and then apply that vote to the next three, provided they concern the same committee. That way, we would save some time.

[English]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I know we are trying to expedite things, but with regard to the next three motions, I have no difficulty with Motion Nos. 31 and 32, but I have difficulty with Motion No. 33.

The Hon. the Speaker: Honourable senators, I appreciate and share the sentiment of the interventions of Senators Carstairs and Robichaud, but we have had an example of a point of order on one item and had another senator indicating that combining several motions might cause some misunderstanding or confusion as to when to object or intervene.

I think this matter should be referred to the Speaker's Advisory Committee, in terms of streamlining this process, and that, for the time being, we should proceed as we have in the past.

We will proceed to Motion No. 31, standing in the name of Senator Oliver.

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Noël A. Kinsella (Deputy Leader of the Opposition), for Senator Oliver, pursuant to notice of February 11, 2004, moved:

That the Standing Senate Committee on Agriculture and Forestry have power to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as referred to it.

Motion agreed to.

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Noël A. Kinsella (Deputy Leader of the Opposition), for Senator Oliver, pursuant to notice of February 11, 2004, moved:

That the Standing Senate Committee on Agriculture and Forestry be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

NATIONAL FINANCE

COMMITTEE AUTHORIZED TO STUDY CHAPTERS 1-4 OF THE NOVEMBER 2003 REPORT OF THE AUDITOR GENERAL

Hon. Noël A. Kinsella (Deputy Leader of the Opposition), for Senator Comeau, pursuant to notice of February 11, 2004, moved:

That Chapter 1, *Information Technology; Government On-Line*, Chapter 2, *Accountability and Ethics in Government*; Chapter 3, *The Sponsorship Program*; and Chapter 4, *Advertising Activities*, of the November 2003 Report of the Auditor General of Canada to the House of Commons, tabled in the Senate of Canada on February 10, 2004, Sessional Paper No. 3/37-18, be referred to the

Standing Senate Committee on National Finance for consideration and report; and

That the Committee submit its final report no later than June 23, 2004.

Motion agreed to.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO CONTINUE STUDY ON HEALTH ISSUES SURROUNDING REPORT ON STATE OF HEALTH CARE SYSTEM

Hon. Marjory LeBreton, pursuant to notice of February 12, 2004, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to examine and report on issues arising from, and developments since, the tabling of its final report on the state of the health care system in Canada in October 2002. In particular, the Committee shall be authorized to examine issues concerning mental health and mental illness;

That the papers and evidence received and taken by the Committee on the study of mental health and mental illness in Canada in the Second Session of the Thirty-seventh Parliament be referred to the Committee, and

That the Committee submit its final report no later than May 30, 2004.

Motion agreed to.

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Marjory LeBreton, pursuant to notice of February 12, 2004, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Noël A. Kinsella (Deputy Leader of the Opposition), for Senator Beaudoin, pursuant to notice of February 12, 2004, moved:

That the Standing Senate Committee on Legal and Constitutional Affairs be empowered to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

FISHERIES AND OCEANS

COMMITTEE AUTHORIZED TO CONTINUE
STUDY ON MATTERS RELATING
TO STRADDLING STOCKS AND FISH HABITAT

On Motion No. 43:

That the Senate Standing Committee on Fisheries and Oceans be authorized to examine and report on matters relating to straddling stocks and fish habitat;

That the papers and evidence received and taken on the subject and the work accomplished during the First and Second Sessions of the Thirty-seventh Parliament be referred to the Committee; and

That the Committee submit its final report to the Senate no later than Monday, May 31, 2004.

COMMITTEE AUTHORIZED TO CONTINUE STUDY
ON QUOTA ALLOCATIONS AND BENEFITS
TO NUNAVUT AND NUNAVIK FISHERMEN

On Motion No. 44:

That the Senate Standing Committee on Fisheries and Oceans be authorized to examine and report on matters relating to quota allocations and benefits to Nunavut and Nunavik fishermen;

That the papers and evidence received and taken on the subject and the work accomplished during the Second Session of the Thirty-seventh Parliament be referred to the Committee; and

That the Committee submit its final report to the Senate no later than Monday, May 31, 2004.

COMMITTEE AUTHORIZED
TO PERMIT ELECTRONIC COVERAGE

On Motion No. 45:

That the Standing Senate Committee on Fisheries and Oceans be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

On Motion No. 46:

That the Standing Senate Committee on Fisheries and Oceans have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I move that Motion Nos. 43, 44, 45 and 46, standing in the name of Senator Comeau, be adopted.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motions?

Hon. Senators: Agreed.

Motions agreed to.

• (1200)

[Translation]

THE SENATE

Hon. Jean Lapointe: Honourable senators, I would like to make one comment. I do not know if it is a point of order, but I think things have gone particularly smoothly this morning, with no time wasted. My suggestion is that we should sit every Monday morning and then rest on Thursdays, so as to work more quickly and not waste time.

[English]

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Noël A. Kinsella (Deputy Leader of the Opposition), for Senator Beaudoin, pursuant to notice of February 12, 2004, moved:

That the Standing Senate Committee on Legal and Constitutional Affairs have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Monday, February 16, at 8 p.m.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Monday, February 16, 2004, at 8 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(3rd Session, 37th Parliament)
Friday, February 13, 2004

GOVERNMENT BILLS
(SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
GOVERNMENT BILLS (HOUSE OF COMMONS)									
No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-4	An Act to amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer) and other Acts in consequence	04/02/11							
C-5	An Act respecting the effective date of the representation order of 2003	04/02/11							
C-6	An Act respecting assisted human reproduction and related research	04/02/11	04/02/13	Social Affairs, Science and Technology					
C-7	An Act to amend certain Acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety	04/02/11							
C-8	An Act to establish the Library and Archives of Canada, to amend the Copyright Act and to amend certain Acts in consequence	04/02/11							
C-13	An Act to amend the Criminal Code (capital markets fraud and evidence-gathering)	04/02/12							
C-14	An Act to amend the Criminal Code and other Acts	04/02/12							
C-16	An Act respecting the registration of information relating to sex offenders, to amend the Criminal Code and to make consequential amendments to other Acts	04/02/12							
C-17	An Act to amend certain Acts	04/02/12							

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-212	An Act respecting user fees	04/02/03	04/02/11	National Finance					
C-249	An Act to amend the Competition Act	04/02/03							
C-250	An Act to amend the Criminal Code (hate propaganda)	04/02/03							
C-260	An Act to amend the Hazardous Products Act (fire-safe cigarettes)	04/02/03							
C-300	An Act to change the names of certain electoral districts	04/02/03							

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to prevent unsolicited messages on the Internet (Sen. Oliver)	04/02/03							
S-3	An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver)	04/02/03							
S-4	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	04/02/03							
S-5	An Act to protect heritage lighthouses (Sen. Forrestall)	04/02/03	04/02/05	-	-	-	04/02/05		
S-6	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	04/02/04	04/02/11	Legal and Constitutional Affairs					
S-7	An Act respecting the effective date of the representation order of 2003 (Sen. Kinsella)	04/02/04							
S-8	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	04/02/05	04/02/12	Energy, the Environment and Natural Resources					
S-9	An Act to honour Louis Riel and the Métis People (Sen. Chailifoux)	04/02/05							
S-10	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	04/02/10							
S-11	An Act to repeal legislation that has not been brought into force within ten years of receiving royal assent (Sen. Banks)	04/02/11							
S-12	An Act to amend the Royal Canadian Mounted Police Act (modernization of employment and labour relations) (Sen. Nolin)	04/02/12							

[illegible][illegible]

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Adjournment

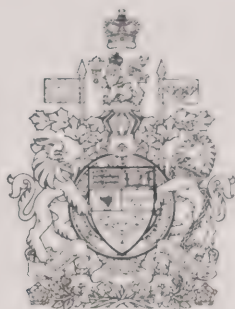
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CANADA

Debates of the Senate

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37th PARLIAMENT

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NUMBER 9

OFFICIAL REPORT
(HANSARD)

Monday, February 16, 2004

—

THE HONOURABLE DAN HAYS
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Monday, February 16, 2004

The Senate met at 8 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

EAST COAST MUSIC AWARDS 2004

Hon. Ethel Cochrane: Honourable senators, I rise to applaud all those who were involved in the 2004 East Coast Music Association's conference and annual awards gala over the weekend. The festivities took place in St. John's, Newfoundland and Labrador. They began on Thursday and ended last night with an entertaining show hosted by comedians Shawn Majumder and Mark Critch.

The East Coast Music Awards were established in 1989 and have since provided the industry's annual showcase of Atlantic Canada's extensive music talent. As any one of the 5,400 people at Mile One Stadium — or those of us who watched the national broadcast on CBC — can attest, there is an amazing pool of talent in the region. We were treated to five performances by the likes of Jimmy Rankin, Melanie Doane and Crush.

For the people of my province, this year was an astounding success because not only were the awards hosted on our shores but also 21 individuals and groups from my province received nominations. By the time the last award was handed out, 10 of the top honours had gone to people from the host province. The province's winners were rock band Crush, which was the night's biggest winner with five awards, including group of the year and entertainer of the year. Double award winners were Damhnait Doyle and Ron Hynes; and the Ennis Sisters took home one award. Perhaps the highlight of the evening was the long-awaited reunion of Ryan's Fancy. The band was honoured with the Dr. Helen Creighton Lifetime Achievement Award for their many years as champions of traditional Newfoundland music.

Honourable senators, I want to congratulate the artists, the organizers and the hosts of the 2004 ECMA's conference and awards gala. With this event, the association has created an unparalleled opportunity for business and professional development for those in the region's music industry. At the same time, with the awards show they have created one of the most entertaining and exciting evenings in the Canadian music calendar.

[Translation]

THE LATE GUY PROVOST, O.C., O.Q.

Hon. Viola Léger: Honourable senators, it is with admiration and respect that I pay tribute to one of our greatest stage actors, Guy Provost.

For more than sixty years, Guy Provost was a major figure in Quebec's cultural history. A great man of the theatre and prolific stage actor, he gave memorable performances in hundreds of roles, bringing to life the universal characters created by Bertolt Brecht, Eugene O'Neil, Arthur Miller, John Steinbeck, Bernard Shaw, Michel Tremblay and Antonine Maillet. His deep voice and engaging presence were also familiar to Radio-Canada and Quebec television audiences, particularly in the well-known role of Alexis in the popular series *Les Belles Histoires des pays d'en haut*.

His magnetism, deep voice and great capacity for listening made him much sought after. I personally had the pleasure of appearing on stage and on screen with Guy Provost. Working and performing with Guy was always a privilege for me. He had such warmth, generosity and patience. His passing will leave a great void in the arts community.

Seen as a rock in cultural circles, he won numerous awards, including Knight of the Ordre national du Québec and Officer of the Order of Canada.

In closing, I want to recite to Guy the lines that Évangéline Deusse spoke to him, when he played the Breton and I played Évangéline. Évangéline said to her Breton:

You will know, when the time comes, that age has no age; that the most beautiful hand is the hand that has its life and country etched upon it; that the most beautiful eyes are those that have gazed upon the world for a lifetime; and that a person's soul never wrinkles or ages, nor will it ever die.

Thank you, Guy, and Adieu!

• (2010)

[English]

WESTMINSTER DOG SHOW

BEST IN SHOW AWARD CONFERRED ON
NEWFOUNDLAND

Hon. Francis William Mahovlich: Honourable senators, I wish to bring to your attention that, on the weekend, in New York City, at the Westminster Dog Show — a dog show that is more than 128 years old, almost as old as the Kentucky Derby — the 2004 Best in Show was awarded to a Newfoundland.

PARLIAMENTARY, GOVERNMENTAL AND BUREAUCRATIC RESPONSIBILITY

Hon. Douglas Roche: Honourable senators, it is evident that the government, in deep crisis over the abuses of the law and the squandering of millions of taxpayers' dollars in the sponsorship program, will try to find the guilty parties. The Public Accounts Committee and a judicial inquiry will undoubtedly probe deeply into this matter, one that has outraged Canadians. However, in my view, the system will not change until the attitude of all those in positions of responsibility changes.

The parliamentary, governmental and bureaucratic processes are not a private club. All those in the entire government system hold a trust. Canadians have entrusted to us their interests — their interests being good order in the country, proper security, attention to health and education needs, and a host of other subjects that make up the well-being of the nation.

Every dollar that is misspent on some scheme or other is a dollar that the health care system does not receive. Every dollar pocketed by some insider is a dollar the Armed Forces do not receive for proper equipment. Every dollar that is siphoned off for some self-enrichment is a dollar lost to education, to the environment, to the homeless, to child poverty and to other social services for the poorest amongst us.

The Ottawa system simply cannot operate without trust. It is impossible to have a foolproof policing system over every dollar in the federal budget. Yes, the regulations must be strengthened, but, in the end, we are left with the ethical responsibility each person in the Ottawa system must practice in order to safeguard taxpayers' money.

A code of conduct can be proclaimed, but it will come fully into play only when the attitude of everyone in responsible positions changes. The Ottawa system will recover the trust of the taxpayers only when it shows without fail that it deserves that trust.

[Translation]

ROUTINE PROCEEDINGS

OFFICIAL LANGUAGES

BILINGUAL STATUS OF CITY OF OTTAWA— PRESENTATION OF PETITION

Hon. Jean-Robert Gauthier: Honourable senators, pursuant to rule 4(h), I have the honour to table in this House petitions from another 1,000 signatories, for a total of 26,840, asking that Ottawa, the capital of Canada, be declared a bilingual city, reflecting the country's linguistic duality. The petitioners wish to draw the attention of Parliament to the following:

That the Canadian Constitution provides that English and French are the two official languages of our country and have equality of status and equal rights and privileges as to their use in all institutions of the Government of Canada;

That section 16 of the Constitution Act, 1867, designates the city of Ottawa as the seat of the government in Canada; and

That citizens have the right in the national capital to have access to the services provided by all institutions of the Government of Canada in the official language of their choice, namely French or English;

That Ottawa, the capital of Canada, has a duty to reflect the linguistic duality at the heart of our collective identity and characteristic of the very nature of our country.

Therefore, your petitioners call upon Parliament to affirm in the Constitution of Canada, that Ottawa, the capital of Canada, be declared officially bilingual, under section 16 of the Constitution Acts from 1867 to 1982.

[English]

QUESTION PERIOD

FINANCE

AUDITOR GENERAL'S REPORT— SPONSORSHIP PROGRAM— RELEASE OF PUBLIC OPINION RESEARCH REPORTS

Hon. W. David Angus: Honourable senators, because of St. Valentine's Day, which fell on Saturday of this past weekend, we were all overcome with a feeling of love. However, my feeling of love was interfered with when I woke up to read that our current Prime Minister, while acting as Minister of Finance, was engaging in more secret deals with his friends, this time with the Earncliffe Group of Ottawa. The whispers and sweet nothings exchanged between these two partners have provided Canadians with nothing but hot air, it seems.

I refer to the Auditor General's report, in the chapter dealing with management of public opinion research, where it is indicated that not all public opinion research reports were released to the public. In particular, at paragraph 5.17, honourable senators, it says:

Communications Canada explained to us that it had been unable to release the results of a few research projects for the Department of Finance Canada because, according to the Department, it had received only verbal reports and had no written reports on these projects.

Honourable senators, given the number of dealings of this nature that have recently come to light with the sponsorship scandal, and the obvious devious deals made through these programs, can the Leader of the Government in the Senate explain why these reports for Finance Canada were conducted so much under the covers and whether it is the government's intention to make public the details of those secretive paperless dealings, especially in view of the Prime Minister's stated intention to bring everything out transparently for the people of Canada to see?

Hon. Jack Austin (Leader of the Government): Honourable senators, first, let me reflect on Senator Angus and his experience with love over the weekend. In listening to the honourable senator's questions, I am beginning to understand the meaning of the phrase "tough love."

As honourable senators know — and as has been explained by the government — the opinion research referred to in the Auditor General's report and conducted by Earncliffe was done on the basis of information collected by others and was the basis of a strategic analysis. That is to say, others collected the materials but the work received was the subject of verbal briefings to the Department of Finance and is, therefore, not available in the form of written reports.

• (2020)

Senator Angus: Honourable senators, I am not surprised at the answer of the Leader of the Government. As the Auditor General went on to say, Communications Canada explained to us that it had received only verbal reports and had no written reports on these projects.

Could the Leader of the Government please tell us whether the Department of Finance was the only department that had these secretive or paperless agreements? Were there other departments that also received only verbal reports and, if so, what are the details and the amounts of the contracts with those departments?

Senator Austin: Honourable senators, to the extent that I am able to obtain such information, I would be happy to disclose it. I am not certain whether the best forum for answering the honourable senator's question is Question Period, or whether it would be more appropriate if a written question were submitted. I could then forward that question to the appropriate departments.

Senator Angus: Honourable senators, I understand that the position of the leader and of the government is that there were never any written reports delivered to Earncliffe. I must ask, then, how would the dealings between the Department of Finance, under the leadership of the present Prime Minister, and the good folks at Earncliffe differ from the dealings between the government and Groupaction for their reports that were never delivered or work that was never done? What proof does the Canadian population have that any work was done for \$178,000? Perhaps that amount, in the view of the government, is trivial compared to the \$250 million.

Senator Austin: Honourable senators, the answer is so obvious that I am surprised the question is even being asked. In the case of the Department of Finance, the briefings were done, the strategic advice was given, and the department received value for its funds.

Senator Kinsella: How do we know that?

Senator Angus: Honourable senators, we have a new thing going on in Quebec at the moment. I am not sure whether everyone is familiar with this term yet, but they will become familiar with it: it is *Bougonmania*, after a new, hit television show in Quebec called *Les Bougon*. The characters in that show are pretty much deadbeats who spend their time figuring out ways to beat the Quebec government's system. Quebecers are just sitting back, loving every minute of this program, and the ratings have gone way up.

This is my question to the Leader of the Government: Is it because of this program's great popularity surrounding devious dealings that the government intends to go to the Canadian people for an election in May?

PUBLIC WORKS AND GOVERNMENT SERVICES

SPONSORSHIP PROGRAM—CONTRACTS WITH GOSSELIN COMMUNICATIONS

Hon. David Tkachuk: Honourable senators, continuing with the corruption scandal that has become a part of our culture, I have a question for the Leader of the Government. The Prime Minister is telling us that he will go after those Liberal advertising agencies that scammed the taxpayers out of a quarter-billion dollars and get some of that money back. One of those companies is Gosselin. Last year, Gosselin went to court to collect \$323,000 that it said this government still owed for services rendered. Like it or not, Gosselin won in court on December 9, under Jean Chrétien's watch. In January, under Paul Martin's watch, the government cut Gosselin a cheque. Could the Leader of the Government advise the Senate as to why the Martin government chose not to appeal this case?

Hon. Jack Austin (Leader of the Government): Honourable senators, of course I could make inquiries of the Department of Justice to find out their reasons. However, that decision would not be taken at the political level. It would be taken by the legal advisers in the Department of Justice.

Clearly, if the courts have found an obligation owing, it does not matter whether it is under the Mulroney regime, the Chrétien regime or the current government. If the funds are owed and if the courts say they are owed, then I am sure Senator Tkachuk, if he thought about it, would ultimately come to the conclusion that the court's decision should be obeyed.

Senator Tkachuk: Honourable senators, was this \$323,000 part of the \$142,000 that the government paid to Gosselin as its 12 per cent cut for moving money from the sponsorship program to the production company L'Information essentielle for the Maurice Richard series? Was it part of the \$141,000 that Gosselin got as a 12 per cent cut for its role in moving money to the RCMP? Was it part of the \$114,000 that Gosselin took for production costs associated with the government sponsorship of the RCMP?

Senator Austin: Why not let the processes of the Public Accounts Committee in the other place and the judicial investigation provide the answers to those questions?

SPONSORSHIP PROGRAM—CONTRACTS WITH LAFLEUR COMMUNICATION MARKETING

Hon. David Tkachuk: Honourable senators, the government is also being sued by another Liberal advertising firm, Lafleur Communication Marketing, for some \$211,000. Could the Leader of the Government advise the Senate if this has anything to do with Lafleur's 12 per cent cut for moving money to various Crown corporations? Does it concern the \$142,000 it also got as 12 per cent for moving money to the Maurice Richard series? Does it concern the \$30,000 that Lafleur got for moving money to

Le Canada du Millénaire series? Does it concern the \$180,000 that Lalleur got for buying a giant screen for the Old Port of Montreal?

Hon. Jack Austin (Leader of the Government): Honourable senators, I would provide the honourable senator with the same clear and succinct answer as I gave to the last question.

Senator Tkachuk: Which was what?

Senator Austin: If the honourable senator cannot remember that far back, I will repeat the answer: The processes in the Public Accounts Committee in the other place and at the judicial inquiry are available to provide the answers to those questions and no doubt will, in due course.

Senator Tkachuk: We were merely asking —

Senator Austin: Why would you not be courteous? That is not a courteous response.

Senator Tkachuk: This matter has been in the newspapers for the last couple of weeks. Actually, when you think about it, this matter has been in the newspapers for the last couple of years. The Auditor General has talked about this matter in previous accounts, and it has been raised in Question Period in the other place. The Auditor General has now organized her findings on this matter in the report which she tabled last week, so that all Canadians can understand it. Yet you are telling me that, after all this time, none of your ministers, no one else in any department, nor yourself know anything about any of this subject-matter, nor has anyone bothered to investigate any of it so that a report could be made to the House of Commons, where it belongs?

Senator Austin: Honourable senators, my respectful response to Senator Tkachuk is that he is obviously better informed on these issues than others in this chamber. I would tell him that the best information will eventually come from the processes I have previously mentioned.

PARLIAMENT

CONFIDENCE IN INSTITUTIONS OF GOVERNMENT

Hon. Laurier L. LaPierre: Honourable senators, mine is not a political question; it is a question about the profound interest and concern of the Canadian people. Democracy in this country is becoming sick. One of the reasons it is becoming sick is lack of participation. There is no capacity to influence. Also, every day, a scandal of some sort erupts and becomes a dominating factor in the newspapers. Such scandals influence the public to think poorly of those who serve here in this house and in the other place. Honourable senators, at some point, a way must be found to reintroduce the confidence of the Canadian people in the institutions that they elect or which govern them.

• (2030)

I say to the leader of the government of my party in the Senate, and as a member of the government of my country, which I support, that the time has come for us to think seriously about what we can do to address this deficiency of confidence. I therefore suggest to the government leader, very humbly and

kindly, following my return from England, with its magnificence of royalty —

The Hon. the Speaker: I would remind honourable senators to keep the preamble to questions brief, as well as the questions and responses.

Senator LaPierre, your question.

Senator LaPierre: I would note that some Conservatives also ask immensely long questions.

My question is this: How can we deal with this issue and what can we do to rekindle the confidence of Canadians in what constitutes their institutions of government?

Hon. Jack Austin (Leader of the Government): Honourable senators, Senator LaPierre points to a fundamental issue: Trust and confidence underlie the entire working of our governance system. In the circumstance we are now experiencing, where it would appear that there have been abuses of the rules of government with respect to contracting and expenditure of funds, it is essential that government be open and aggressive in getting to the bottom of the problem. The way we are seeking to do that is to show the people through judicial parliamentary inquiry that all the facts must come out, that every line of inquiry must be pursued, even those of Senator Tkachuk. We want to know it all, and the public of Canada wants to know it all.

Prime Minister Martin has said that those who are responsible and that those who have committed a crime will pay the appropriate penalty for their misbehaviour.

AUDITOR GENERAL

REPORT ON SPONSORSHIP PROGRAM— INVOLVEMENT OF CROWN CORPORATIONS

Hon. Lowell Murray: Honourable senators, the Prime Minister has been critical — and properly so — of the response of certain Crown corporations to the report of the Auditor General. The facts as to the involvement of those Crown corporations in this matter have been laid out in considerable detail in the Auditor General's report, which gives rise to this question: Is the government considering any changes in the top management of those corporations, or is that to await the report of the judicial inquiry?

Put another way, the Parliament and the country have a right to know whether the top management of VIA Rail and Canada Post still enjoy the confidence of the government. What is the answer to that question?

Hon. Jack Austin (Leader of the Government): Honourable senators, the answer is that, at this moment, they remain in office because nothing has been established in terms of facts to determine any other course of action.

The Auditor General has made reports. The responses of the Crown corporations have not been heard except insofar as they are disclosed in the Auditor General's report. The President of the Treasury Board, on behalf of the government, has made it clear that he will engage in discussions and pursue lines of inquiry with those Crown corporations.

Once those discussions have taken place, the government may or may not have something further to advise.

FOREIGN AFFAIRS

AUDITOR GENERAL'S REPORT—SPONSORSHIP PROGRAM—RECALL OF AMBASSADOR TO DENMARK

Hon. John Lynch-Staunton (Leader of the Opposition): I appreciate the consideration given to the heads of the Crown corporations, to await their version, and it is quite right to do it that way. Why was the same consideration not given to Ambassador Gagliano?

Hon. Jack Austin (Leader of the Government): Honourable senators, I have answered that question repeatedly in the sense —

Senator Lynch-Staunton: No, you have not.

Senator Austin: — that the ambassador serves at the pleasure of the Crown, and, given the allegations in the Auditor General's report, which, while not referring to Mr. Gagliano by name refer to him by office, it seemed appropriate for the government to withdraw its pleasure. Mr. Gagliano simply could not be effective as an ambassador of Canada while under pressure from domestic allegations. Therefore, he was recalled.

Senator Lynch-Staunton: The same allegations against Mr. Gagliano were made before his appointment. How was he qualified to serve under allegations similar to those that he has now been found unfit to serve under? I do not understand the rationale here.

Senator Austin: Honourable senators, I cannot speak to the reason Ambassador Gagliano was appointed to be ambassador to Denmark. That appointment was not made by this government, nor was I a member of that ministry. I have given the answer as to why he was brought back.

PARLIAMENT

GUN REGISTRY PROGRAM—POSSIBILITY OF FREE VOTE ON ESTIMATES AND FUTURE

Hon. Gerald J. Comeau: Honourable senators, yesterday the Prime Minister told listeners on CBC's *Cross Country Checkup* that the real problem with the sponsorship program was that Parliament had lost the ability to scrutinize government spending. The Prime Minister said that parliamentarians should have the ability to question every line of spending.

My question to the Leader of the Government in the Senate is this: Will this new openness apply to the gun registry estimates? Will members of Parliament be able to question and vote on gun registry estimates without a whip on the vote? In other words, will there be a free vote in the future on the gun registry estimates?

Hon. Jack Austin (Leader of the Government): Can the honourable senator specify as to whether he is inquiring into procedures in the other place.

Senator Comeau: I am.

Senator Austin: Honourable senators, I am not in a position to answer at this time with respect to what procedures in the other place may be.

Senator Comeau: Let me turn it around, honourable senators. Will honourable senators in this chamber be allowed to vote on the gun registry estimates without a whip, in a free vote, if and when estimates do come before this house?

Senator Austin: Honourable senators, the answer to that will require me to consult with my colleagues on this side.

Senator Comeau: Honourable senators, I raise this question because the Prime Minister has gone to great lengths to indicate that it is no longer business as usual. I listened carefully to his comments yesterday about our being, supposedly, in a new era. This is a brand new government — I see the same old faces across the way, but I will give it the benefit of the doubt — a new team has taken over and indicated that it will not be business as usual.

We also learned, as a result of the Hession report, of an extra \$400 million that had been spent on the gun registry that did not make it into the figures. This was for the computer software programs that I think the Prime Minister was referring to yesterday as sunk costs.

A CBC program that aired last week, I believe, indicated that the gun registry program is now at \$2 billion and counting. Does that not mean that Canadians would now want us to act, in this supposed new spirit of cooperation and new parliamentary atmosphere, as parliamentarians who will now be able to vote down the registering of firearms and place those hard-earned dollars where Canadians need them, for example, in health care and other issues vital to Canadians?

Senator Austin: Honourable senators, let me first say that I have no idea where the \$2 billion referred to in the newspaper comes from, because the —

Senator Comeau: CBC.

Senator Austin: I still have no idea what that figure is based on.

• (2040)

Senator Lynch-Staunton: Can you deny it?

Senator Tkachuk: Deny it or resign.

Senator Lynch-Staunton: He was not a member of that government either.

Senator Austin: With respect to the rest of the question, honourable senators will know that Prime Minister Martin has appointed a Minister of State, the Honourable Albina Guarnieri, to review the entire gun registry program and to bring her advice back to the government.

JUSTICE

REVIEW OF GUN REGISTRY PROGRAM

Hon. Gerald J. Comeau: My understanding is that the Prime Minister indicated to her that she could conduct the study with one proviso: that the question of examining the continuation of the registry is off the table. She can look at everything else except abandoning the registry. She can study it until she is blue in the face. The Prime Minister referred to it yesterday as "some cost." Those costs are gone. If the question of continuing the registry is not on the table for her to examine, what kind of study is she doing? It is worthless.

Hon. Jack Austin (Leader of the Government): On the contrary, honourable senators, the majority of Canadians want to maintain a gun registry. This has been demonstrated in poll after poll done in Canada.

Within that context, one could probably ask thousands of questions about how the registry should work, what it should cover, what kind of information should be reported, what access the police should have to it, and of course the more conceptual questions about how effective it is in preventing crime or, alternatively, in discovering the people who commit crimes.

I believe that the study is extremely valuable. My particular concern is that it will take more time than I would like it to take because of the nature of the study and the number of questions. I believe Canadians would like answers fairly soon to some of the critical questions.

Hon. Herbert O. Sparrow: Honourable senators, I do not think that we have received an answer as to whether the \$2 billion figure is correct. It has been reported by the CBC, from Access to Information, that nearly \$2 billion has either been spent on or committed to the federal program since it was introduced in the mid-1990s. There is a big difference between the \$2 million that was considered the cost when the registration began. We were faced with \$1 billion, and now we are faced with \$2 billion. I would like to know if that figure of \$2 billion is realistic. Can the Leader of the Government in the Senate advise this house whether it is realistic or not? Can he find that answer if he does not have it tonight?

Senator Austin: Honourable senators, I do not have it tonight. I saw the story, and I am skeptical that a figure of \$2 billion was either spent or committed. However, I will undertake to make inquiries and to provide that information to the Senate.

Hon. Pat Carney: Honourable senators, in view of the answer to undertake to make that information available, would the minister consider sending that reference immediately to the Standing Senate Committee on National Finance chaired by the inestimable Senator Lowell Murray?

Senator Austin: Honourable senators, I will take that request under advisement. I am not sure now what the answer is or how it is made up or whether the Senate as a whole is interested in a reference of that kind.

Senator Carney: Come on. We are interested.

[Translation]

FEDERAL COURT RULING ON CASE
BROUGHT BY MAYORS OF ACADIAN PENINSULA—
APPEAL BY GOVERNMENT

Hon. Jean-Robert Gauthier: Honourable senators, my question is for the leader of the Government in the Senate. I gave him notice of this question.

On September 8, 2003, Mr. Justice Pierre Blais of the Federal Court found in favour of the Forum des maires de la péninsule acadienne, who were objecting to the transfer of four inspector positions from the north to the south of the Acadian peninsula by the Canadian Food Inspection Agency.

The official languages communities were pleased with this decision. It was one of the rare occasions when a Federal Court judge had generously interpreted the meaning of section 41 of Part VII of the Official Languages Act. Many people have argued that section 41 is executory rather than declaratory, as the government claims.

All of the senators know that for several years I have been introducing a bill in the Senate that would clarify section 41 of Part VII of the Official Languages Act in order to make it executory.

Now the government has appealed this decision. At the same time, the Commissioner of Official Languages has asked the Federal Court for intervener status in this case. The members of the Senate Standing Committee on Official Languages support this request.

The question is simple: does the government intend to go back on its decision, assuming all responsibility for implementation of Part VII of the Official Languages Act in order to protect and promote the development of official languages communities and work toward the equality and full recognition of French and English in Canadian society?

[English]

Hon. Jack Austin (Leader of the Government): I thank Senator Gauthier for sending me written notice of this question. I received it toward the end of the afternoon today. I have not had the opportunity to make inquiries of the Department of Justice to have their reasons for an appeal. I will pursue the more specific questions that Senator Gauthier has raised and endeavour to answer him at a very early time.

HERITAGE

AUDITOR GENERAL'S REPORT
STATE OF HISTORIC SITES, DOCUMENTS
AND ARTIFACTS

Hon. Brenda M. Robertson: Honourable senators, it is unfortunate that in the furor over the sponsorship scandal other parts of the Auditor General's report have not received much attention.

The cultural heritage audit, one of the first of its kind in the world, yielded very poor results. It found that over two thirds of our historic sites are in poor to fair condition and some of them may be lost forever if not repaired within the next few years. The report stated that federal funding for cultural heritage for the fiscal year 2001 was \$14 million less than it was in 1990-91 during the previous Conservative government. Apparently, the federal government believes there is plenty of money for Liberal-friendly advertising companies, but not enough to save our crumbling historic sites and buildings.

Could the Leader of the Government in the Senate tell us what the government plans to do in response to the Auditor General's warnings that our historic sites are rapidly deteriorating?

Hon. Jack Austin (Leader of the Government): Honourable senators, I share the concern of the Honourable Senator Robertson with respect to the portion of the Auditor General's report that deals with heritage sites. I have been advised that work is underway to do an assessment of the evaluation of the Auditor General's report. I know that representations are being made to the Minister of Finance with respect to the upcoming budget, and I certainly hope they are successful.

There are sites here in Ottawa, quite familiar to Canadians, that are in urgent need of repair. Unfortunately, I am referring to 24 Sussex, which in my opinion is in a state.

Senator Tkachuk: Have you been there?

Senator Austin: I have been there, yes, and I am speaking from a personal view.

Senator Angus: Enjoy it while you can.

Senator Austin: It is in a state that desperately needs assistance to preserve the site, and many other sites in Canada are in the same situation. I am certainly supportive of the concern expressed by the Honourable Senator Robertson.

Senator Robertson: Honourable senators, our historic documents and artifacts are also in danger, according to the Auditor General's report. Over 90 per cent of the National Library's collection is stored in buildings that do not meet space, temperature or humidity standards for such documents. There is a considerable backlog in processing archival materials, including ministerial records dating back 35 years.

Could the Leader of the Government in the Senate tell us if the federal government intends for Canada's archives to fall into the same state of neglect and disrepair as our historic sites are now, or will money be forthcoming to help correct this grave problem?

• (2050)

Senator Austin: Honourable senators, the Auditor General has done Canadians a great service by pointing out the state of repair or disrepair of Canadian heritage and historic sites. The result of the Auditor General's report is that serious consideration is being given to the problem she has raised, and it is to be hoped that that

has given rise not only to Senator Robertson's representations but to many others, so that the government will focus on ameliorative action.

DELAYED ANSWER TO ORAL QUESTION

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour of tabling a delayed answer to an oral question posed by the Honourable Senator Beaudoin on February 10, 2004, concerning the Quebec EI parental case.

HUMAN RESOURCES DEVELOPMENT

QUEBEC COURT OF APPEAL RULING THAT FEDERAL PARENTAL AND MATERNITY LEAVE PROGRAMS ARE UNCONSTITUTIONAL

(Response to question raised by Hon. Gérard-A. Beaudoin on February 10, 2004)

The Government of Canada is carefully reviewing the Court's decision in this reference case, its implications and is assessing options.

The federal government has 30 days from the date the Court released its decision to launch an appeal, i.e. until February 26.

We have initiated a dialogue with the province of Quebec on this issue.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, concerning delayed answers, perhaps I could ask the Deputy Leader of the Government when we might have an answer to the question that was asked by Senator Angus of the government leader on Friday last?

Senator Rompkey: We are working on our answers to oral questions as expeditiously as we possibly can.

ORDERS OF THE DAY

ELECTORAL BOUNDARIES READJUSTMENT ACT

BILL TO AMEND—SECOND READING— ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Smith, P.C., seconded by the Honourable Senator Robichaud, P.C., for the second reading of Bill C-5, respecting the effective date of the representation order of 2003.

Some Hon. Senators: Question!

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Stand.

The Hon. the Speaker: Stand? Is this matter to stand?

Senator Kinsella: Why are we here tonight?

Senator Austin: To hear from Senator Lynch-Staunton.

Senator Rompkey: Stand.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I beg your pardon: I rise on a point of order. Senator Austin has just said that we came back tonight to hear from Senator Lynch-Staunton. I would like an apology on that one. I would remind the honourable leader that he is not here to listen to me; he is here to run the government's business. I never said that I would speak tonight on anything. I was never consulted. I was never asked. I was never approached, and to say out loud, "We are here to hear from Senator Lynch-Staunton tonight and that is the only reason" is absolutely false, and I want an apology.

Hon. Jack Austin (Leader of the Government): Let us tell the rest of the story. Senator Kinsella asked why we were here tonight and I said that we were here to hear Senator Lynch-Staunton speak because his name is on the Order Paper. He took the adjournment of the debate on Bill C-5, and I was not told by anyone that he was not speaking tonight. I thought my honourable colleagues on the opposite side were eager to get on with the debate on this particular topic.

Senator Lynch-Staunton: That is absolute rubbish. We are not anxious to get on with government business. What is this? What is the Leader of the Government talking about? We are being faulted for not rushing through government business? I was not even asked to speak tonight. I was in Halifax all day and I told the deputy leader that, in case anyone asked, I was not ready to speak tonight because I had yet to read Senator Smith's remarks when he introduced the bill. I hoped to be ready tomorrow, but after that insult I think I may wait a little longer.

Senator Kinsella: Honourable senators, on this point of order, let us be perfectly clear: This is a matter of government business. When it is adjourned, it is not adjourned in any other senator's name; it is adjourned in the name of the government. Perhaps the Honourable Leader of the Government would want to get that one down pat: government business stands in the name of the government.

Senator Austin: I am not sure I understand what the point of order is, honourable senators, but the adjournment on Bill C-5 was taken in the name of Senator Lynch-Staunton. The courtesy on this side was to allow him every opportunity to proceed. I did not hear that he was not proceeding tonight. That is not the only reason we are sitting this evening, but it is one of the feature reasons why I thought we should be sitting.

Senator Lynch-Staunton: I will make this a question of privilege tomorrow because the record will show that the Leader of the Government has said that we are here tonight to hear from Senator Lynch-Staunton.

Senator Austin: Indeed we are.

Senator Lynch-Staunton: If he does not apologize for that tonight, I will raise a question of privilege tomorrow.

The Hon. the Speaker: I think perhaps that is the best way to proceed, honourable senators.

Sometimes the microphone is not turned on when we are seated, and I do not hear the word "stand." We will just have to slow down a bit so that I do hear. I want to be sure.

Is this order to stand?

Senator Rompkey: Stand.

Order Stands.

LIBRARY AND ARCHIVES OF CANADA BILL

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Laurier L. LaPierre moved the second reading of Bill C-8, to establish the Library and Archives of Canada, to amend the Copyright Act and to amend certain Acts in consequence.

He said: Honourable senators, section 8(2) of Bill C-8 proposes to amend the Copyright Act to allow the librarian and archivist to collect a representative sample of documentary material available to the public without restriction on the Internet for the purposes of preservation.

Essentially, what we are about here tonight is a bill to unite the two institutions that constitute the memory of the Canadian people: that is, the National Archives of Canada and the National Library of Canada, which I understand is a bill called Bill C-8.

The National Archives of Canada, established in 1872, is one of Canada's oldest cultural institutions. From its inception it has had a broad cultural mandate rather than a limited administrative one, and it has played a key role in developing the historical study of Canada.

The National Library of Canada was established in 1953, responding to recommendations in the Royal Commission of National Development in the Arts, Letters and Sciences, and to post-war concerns about the preservation of the "collective memory" of Canada and the need to strengthen Canadian cultural resources. The core of the collection of the new National Library, which was created in 1953, was to deposit copies of Canadian publications accumulated under Canadian copyright law by the Library of Parliament. A single head led the National Library, together with the National Archives, until 1968.

In the 2002 Speech from the Throne, the government announced its intention to create a new kind of knowledge institution, called Library and Archives Canada, to better serve Canadians in the 21st century. Library and Archives Canada is an innovative knowledge institution with a broad mandate to preserve, make known and provide easy and integrated access to Canada's documentary heritage. As a historian, I value this exceedingly.

This was also, to a certain degree, a recommendation of the John English report, which was published a few years ago, but the matter was never given any follow-up.

[Translation]

Honourable senators, it is a pleasure for me to speak on Bill C-8, to establish the Library and Archives of Canada. As a historian and a Canadian, I am very proud that this is one of the first bills to be introduced in this honourable chamber. Proud, because it will establish an institution of learning from which many generations of Canadians to come will benefit. Proud also, because this is a bill which will help protect the history and culture we all share, the very foundation of our national identity.

This bill could not come at a better time, after what we have learned from the Auditor General's report.

• (2100)

[English]

The Auditor General addressed many important matters in her excellent report beyond those matters that we read about in the headlines. One of them was the troubling state of the nation's cultural heritage. I take great delight in speaking about the cultural heritage in Canada because, unfortunately, there is no standing committee in the Senate that deals with the soul of our country, its heritage and culture. Those subjects are addressed as an annex to another committee. Consequently, it is very important to say that the time has come to do something about this situation. That is why the Auditor General did not sugar-coat her words.

According to the statement made public on Tuesday:

...documents of historic value, and book collections under federal control will be lost to future generations unless action to protect them is undertaken soon...

The Auditor General continued:

More than 90 percent of the collections of the National Library of Canada are housed in buildings that do not meet current standards for temperature and humidity.

Honourable senators, 90 per cent of our whole documentary heritage is at risk. What does this mean, in particular, in practical terms? The report spells that out. We are told that since 1988 the National Library has experienced 116 environmental incidents. About 60 of these are the result of floods and excessive heat that has damaged about 30,000 documents in the library's vast collections.

The library estimated that the minimum cost of repairing or replacing the damaged documents at \$4.5 million. The library does not know the exact number of documents that have been lost irrevocably for history.

[Senator LaPierre]

This damage is not the whole story. Some collections of the National Library are overcrowded. According to an internal library study from 1999, the newspaper collection is deteriorating rapidly. Unless it is digitized and put on film or some other mechanism of some sort it will completely disappear. The expected lifetime of these newspapers, which are really an image of history as it is unfolding, these important records of our life together as a people, is very limited.

What is happening is nothing less than our collective memory being erased. As we lose our history, we also lose our identity. This chamber has seen so much of history unfold. Look about at the murals that enfold us, yet over 90 per cent of Canadians do not know what they mean or represent because they have no sense of the history of this country.

I travel the length and breadth of this country almost every week. I find that young people do not know their history. They are not taught their history. Humble as I am, people have created extracurricular programs to bring our youth into contact with their heritage, through heritage fairs and Historica YouthLinks. This enables them to come together and to understand and discuss the history of their country. They have no other source. There are no institutions. There is no capacity to be able to come to know who they are and where they have come from.

Canada is the refuge of mankind. Over 150 different religions, languages and nationalities are represented in this country. There is no parallel to Canada in the history of the world, yet we do not know enough about who we are as a people.

The greatest crime, honourable senators, is that we do not teach our children who we are.

[Translation]

How will our children know about our efforts and our successes if they cannot read about them? How will they be able to build the future if they know nothing about the past?

[English]

The past is the door to the future. If one does not know the past, one will not know what to do once the door is open and might not be able to know how to open the door.

[Translation]

Honourable senators, we know that this alone cannot solve all the problems raised by the Auditor General, nor can it ensure the preservation of a single document. In fact, as the Auditor General recommends, additional resources will be needed.

Let us not underestimate the importance of Bill C-8 to those who work in the publishing and archival fields to collect and preserve our heritage. This bill offers a solid basis on which to build an important institution from which all Canadians will benefit, one which will help advance the knowledge of our society.

[English]

Honourable senators, I urge you to join me in giving this bill speedy passage. Already this bill has been subjected to numerous delays both here and in the other place. The only section of the former Bill C-36 that provoked debate is now obsolete. With the start of the New Year, the affected works are now in the public domain. Therefore, the amendments proposed to section 21 of the Copyright Act are no longer applicable and will now be dropped.

Let us return to the purpose of Bill C-8, which is to create a new institution, the library and archives, and to ensure it will give us the tools we need to protect the rich treasure trove of knowledge that has been accumulated over the century.

At the same time, this proposed legislation will give Canadians the opportunity to satisfy our thirst for knowledge about the many facets of our country. By bringing together the vast collections and expertise of the National Library of Canada and the National Archives of Canada to create the new Library and Archives of Canada, the government is ensuring that we derive even more value from our documentary heritage.

The proposed legislation sets the stage for a true 21st century knowledge institution, a source of enduring knowledge, accessible to all, and that contributes to the cultural, social and economic advancement of Canada as a free and democratic society.

By uniting the library and archives, we will welcome Canadians and those interested in Canada to visit and share the richness of our documentary heritage.

What is new in the proposed legislation is the explicit mandate to make known the documentary heritage of Canada to all Canadians and those interested in Canada. The Library and Archives of Canada will make enhanced use of the latest developments in information technology and the Internet to reach everyone using these modern tools.

I have been dealing with these matters longer than most honourable senators have been born, and I have always been frustrated. I have taught history at all levels across this country. I have often conducted seminars across the country in attempting to reach young people in order for them to grasp what this country is all about.

Honourable senators, Canada is the most magnificent country on the planet. It is, above all, the most important country on the planet. It is the only country in the world devoted entirely to the maintenance, the sustenance, the appreciation and the living of cultural diversity.

We are one of three countries in the world that allows immigrants to become citizens, and we do so in three years rather than 15 or 20 years thereafter or one generation thereafter. We invite the world to come to us. We invite them to enrich us.

We are already enriched by the presence of the Aboriginal people who have contributed more to this country than the millions and millions of people who will come or who have already come. We have a diversity of culture, multiculturalism and democratic institutions. We are the essence of what it is that the world needs to know and understand in order to live in harmony.

• (2110)

We no longer teach Canadian history; rather, we teach "social sciences," which is a hodgepodge of this and that. It has nothing to do with the core of who we are as a people. Through heritage fairs and Historica YouthLinks, we encourage the young to talk together about this country. As well, through the Web we encourage them to talk about Canada to the children of the planet, and we do that very well. However, we are missing the definitive willingness of adults to do their part.

Honourable senators, how many times have you sat down with your grandchild to tell a story of Canada? Statistics show that 95 to 96 per cent of Canadians do not do that. How will the children learn about the historical atrocities committed against the first peoples of our country, which we must correct within the next generation if we are to endure? How will the children know what it is to live in a country with two languages? How will they know what it is to live in a country that values multiculturalism, pluralism and ascent to diversity as the cornerstones of a democratic society? How will they know all of that if we, the adults, do not make it possible for them to know?

The federal government has nothing to do with the teaching of history because education is a provincial responsibility. However, the federal government can, through citizenship and other areas of legislation, contribute immensely to the development of instruments of knowledge and interest.

At the archives, there has been created a magnificent genealogy program through which kids from all over the country can learn about their great grandfathers who fought in the First World War. It is easily done, within a matter of seconds, because children master the machinery of the Web so easily. They take pride in that. They go into the books to find the place where their great grandfather may have died or been wounded. They come to share a love of this country. Above all, they come to share a link with it that will remain forever. We need an institution to do that.

We cannot be scattered all over the planet. We have magnificent museums across the country. For years, we have been trying to join them together so that with one push of a button the kids will be connected and can access information from every museum across Canada. If I have my way, they will be able to connect to a museum in Peru with the push of a button.

Honourable senators, we want our children to be able to access the world through the eyes of this magnificent, beautiful country. To do that, we need the library and the archives to be one institution rather than having the library catalogue their books in one way and the archives catalogue them in another way. We do not want that nonsense.

I find so much ignorance. It is not a question of heroes; I do not care about heroes. I care about ordinary Canadians fighting and living their lives.

I once went to a school in the Yukon where they told me that the Yukon had no experience in the First World War. I said that is wrong. On a per capita basis, the largest number of soldiers in the First World War came from the Yukon. The children there did not know that native people from the Yukon were heroes scattered all across the plains of France, Flanders and other places in Europe. They did not know that their people created an enormous society capable of understanding what this country is all about.

I beg of you; unite the archives and the library, and give us an instrument that will be easily accessible and will end the fight between the librarians and the archivists so that the children will be able to access their history and, above all, be able to teach it to you and to your parents. After all, the child is a teacher of the man. This is inevitable. Consequently, a father is a teacher, a teacher is a father; a teacher is a mother, a mother is a teacher. These concepts are from ancient times.

What is important, honourable senators, is that you are concerned about bringing the knowledge of Canada to the young people of our country. Please do it quickly. Do not send this bill to a committee where it might spend 300 days. Accept it now. I have moved second reading; someone will second it. Second reading will be given tonight, third reading will be given tonight, and tomorrow we will have a national instrument of astonishing importance so that our children, our grandchildren and ourselves will come to know and, through that knowledge, come to love our magnificent, glorious country.

On motion of Senator LeBreton, debate adjourned.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Trenholme Counsell, seconded by the Honourable Senator Massicotte, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the Third Session of the Thirty-seventh Parliament.—(7th day of resuming debate)

Hon. B. Alasdair Graham: Honourable senators, at the time of the opening of the new session of Parliament, I reflected in this place on the fact that the date coincided with the one hundred and fifty-sixth anniversary of the achievement of responsible government in the then United Canadas — Quebec and Ontario — and a few weeks earlier, in my home province of Nova Scotia.

Allow me to reflect a little on the foundations of our wonderful country during my reply to the Speech from the Throne. This,

incidentally, will be my last, as I retire from this historic chamber later this year. Senator Lynch-Staunton noted that he was in Halifax today. Undoubtedly he heard that there is no shortage of applicants for my seat.

Senator John Connolly, a former Leader of the Government in this place, once called the Senate of Canada the custodian of our basic freedoms. As someone who has had the privilege of serving my province and my country for over 30 years in this chamber, I have had the wonderful opportunity to be part of this remarkable assembly of talented people — all of you — from all regions of the country and from all walks of life across this great nation of ours.

• (2120)

Along with many honourable senators, I have had the opportunity to study this country inside and out, to examine closely our challenges and our strengths. I have had the very good fortune to personally experience the real power of the Canadian model, both at home and abroad.

Honourable senators will know that yesterday was Flag Day. I went for a skate on what was, even for Ottawa, an extremely cold day. I might add that it was a happy coincidence to be able to take in the glorious sight of the red Maple Leaf as it unfurled against the brilliant blue of a Canadian winter sky. I suppose I had my own private Flag Day ceremony in that beautiful place on the rink — a potent symbol of our proud northern Canadian nation. I thought of the power of our flag as a symbol of tolerance, of social equality, of freedom and democracy to people across this planet — to the dispossessed, to the marginalized and to all of those looking for a better life for themselves and their children. I reflected on the fact that Canada was conceived as a leap of the imagination, as a vision, as a dream and, yes, as an idea whose time had come. Leaders such as Robert Baldwin, Louis-Hippolyte Lafontaine and Joseph Howe set out to build a rich, civil society rooted in the public good. However, they were not just believers or strugglers for ideals; rather, they were strategists of the first order.

As we mark the two-hundredth anniversary of Joseph Howe's birth this year, it is of interest to remember what he said back in 1850. His comment relates well to the comments of Senator LaPierre just moments ago when he reflected on the content of Bill C-8, which is so important to our country. Joseph Howe said:

It is the first duty of government to take the front rank in every noble enterprise, to be in advance of the social, political, and industrial energies, which they have undertaken to lead.

No matter what period in our country's history we look at, it has been the first duty of government to take the front rank in building a better country and a better world. That is why the Speech from the Throne concentrated first on the re-engagement of citizens in Canada's political life and forms of democratic renewal that restore trust in the political process. That renewal will bring new vigour to citizens caught up in the throes of transformation and transition all around them. The government's re-engineering of hope and commitment is particularly important

in the lives of our young people. As someone who has spent a significant part of my life in democratic development in various parts of the world, I particularly welcome the Prime Minister's commitment to the idea of the Canada Corp. He has understood the tremendous potential involved in harnessing the dynamism and the talent of young Canadians and in bringing the full force of their commitment and their dedication to service in developing countries.

Honourable senators, the world needs more Canadas, as is so often said. The world needs our understanding of pluralistic democracy, of federalism, of justice and of human rights. However, the deepening of democracy at home is the first step. As our rich, civil society evolves and matures, Canadians will experience again the real magic and adventure of this country. A rich, civil society in which, and I quote from the Speech from the Throne:

...Canadians do not go about their daily lives worried about which jurisdiction does this or does that...that their governments will co-operate in common purpose for the common good — each working from its strength.

This kind of partnership, honourable senators, will nurture a political culture in which people have the heart for what is right, the spirit for what is just and minds dedicated to the public good.

We will need those strengths to rise to the challenges set out in the Speech from the Throne, many of which centre on a bold program of social reform. As someone who was fortunate enough to be part of the political process in the early 1960s, I witnessed, at close hand, Mr. Pearson as he presided over a remarkable period of social-economic legislation that reshaped the nation and anchored the welfare state. It has probably been best described in the writings of one of the principal architects of the system, my long-time friend Tom Kent, who, at the age of 80, is still hard at work delivering policy papers on the growth and development of the social safety net.

Honourable senators, I believe that the finest hours were spent hammering out the system of medicare, which was part of the infrastructure for a compassionate society, the values of which anchor our national identity and the *sine qua non* of our citizenship. Our friend Allan MacEachen led the struggle for the comprehensive, universal access to health care soon after his appointment as Minister of Health and Welfare in 1966. Those were heady and exciting days. When I think back, I realize that the 1960s were a time and place when the right political leadership coincided with the right window of opportunity, as Jim Coutts reflected recently.

Honourable senators, that same fortuitous coincidence of leadership and opportunity is with us now in the dawn of this new Parliament and this new government. Prime Minister Martin has shown in the Speech from the Throne that he is a leader who intends not only to continue with but also to broaden and reshape

the wonderful process that is so central to the Pearsonian tradition. The traditional principles of the Canada Health Act have been reaffirmed. Early childhood development has become a national priority of first instance. Canadians with disabilities will find new hope through workplace supports. The Government of Canada will work with First Nations to develop real quality of life in the economy, in education and in governance.

Of the greatest importance to me as a Cape Bretoner, is the emphasis in the Speech from the Throne on the imperative of working with communities to help themselves. I have always taken the greatest pride in community economic development at the local level in Cape Breton and throughout the province. I can only applaud the new national emphasis on a self-help model that goes back in time to the teachings of Monsignor Moses Coady and the famous Antigonish movement, now known worldwide as the Coady International Institute located at my alma mater, St. Francis Xavier University.

The self-help model, which is at the core of the recent Throne Speech, builds on the kind of powerful, conventional wisdom that brings confidence and hope to people in our present era of globalization, an era that has turned much conventional thinking upside down. It is also clear that as our regions, communities and cities pursue their own local paths to the world marketplace, government must act in partnership with Canadians across the country to liberate their energies at home and internationally.

• (2130)

The GST break will be a tremendous benefit to all the municipalities of all our provinces. In my province of Nova Scotia, we think immediately of communities like Halifax and Sydney, but also of Antigonish and Shelburne, of Kentville and Truro. They also have much to gain, now having tax relief that will translate to better services for all our people.

As one of the many Cape Bretoners who have fought over the years for the Sydney tar ponds clean up, I celebrate the beginning of the end of this tragic chapter in the life and times of the beautiful island of my birth. The tar ponds need healing of the sort that only a large cash injection to pierce the wound of North America's worst environmental disaster can provide. The Government of Canada, which has made an unequivocal commitment to the Kyoto agreement, now ensures that the healing process can begin.

Earlier, I referred to the tremendous period of social reform of the 1960s. By that time, multilateralism had become the heart and soul of our foreign policy. The Speech from the Throne indicates that the government will revitalize the special Canadian compact with multilateralism, in many ways the engine of our foreign policy. The commitment to new equipment for the military is an important signal of an activist government positioned for dramatically changed global realities. I am pleased, in particular, honourable senators, with the immediate investments in armoured vehicles and the long overdue replacements for the Sea King helicopters.

We must remember together, however, that the defence of Canada means a global engagement. It is not just about more spending on the military, as important as that is in itself. The defence of Canada is much more than about smart borders or emergency preparedness, again, as vitally important as these commitments are in a post-9/11 world. The defence of Canada is also about the hearts and minds of its citizens, of the strength and conviction which is the glue of our talented civil society, a society that can rise to the challenges of, in many ways, a fearful and horrifyingly inequitable world.

Honourable senators, the Speech from the Throne makes it clear that the Government of Canada understands that our people want their country to play a distinctive and independent role in making the world more secure, more peaceful and more open. It is rooted in the fine traditions created by erudite diplomats such as John Holmes and Escott Reid, who brought the values and the traditions of Canada to the world community. Reid once observed that Canadians have a special facility for tinkering with world government. Indeed, the mechanics of world government are their special concern.

Prime Minister Martin fits the mould of these fine internationalists. The machinery of world government really is his special concern. Global governments is an issue that has consumed his attention and fascinated him ever since he chaired the G20 financial group. We can expect his energy in the service of engineering multilateral institutions that work to bring real excitement to Canadians in the days and months to come.

Honourable senators, as I said earlier, over 150 years ago, a small group of reformers brought imaginative ideas about freedom, about tolerance and the ideal of the common good to the legislatures of the united Canada and my own province of Nova Scotia. Strategists of the first order, they helped create something new — a laboratory for social change. To paraphrase Joseph Howe, they believed that it was the first duty of government to be in advance of the social, political and industrial energies they had undertaken to lead.

In conclusion, when we think about them in the dawn of this new session of Parliament, these are simple words with a profound and humbling meaning. This beautiful chamber is a place that is, was and must always be the proud and ever vigilant custodian of the rights and the freedoms of the people we are so privileged to serve. We must remember that, no matter what the twists and turns of the road that lies ahead — the miracle of opportunity and the power to make change happen — that power, honourable senators, belongs to all of us.

Hon. Senators: Hear, hear!

Hon. Norman K. Atkins: Honourable senators, as I rise today to take part in the Speech from the Throne debate, I must begin by congratulating Senator Austin on his appointment as Leader of the Government in the Senate. Senator Austin brings to his new task a sense of the history of this place and the need to ensure its relevance in our parliamentary system. I believe he brings a sense of fairness to his new role and, being from British Columbia,

a sense of the vastness of this country and the need for all of its regions to be adequately represented in Parliament.

I also want to congratulate the senator from the other coast, the Honourable Senator Rompkey, on his appointment as Deputy Leader of the Government, and the Honourable Senator Losier-Cool, on her appointment to, perhaps, one of the toughest jobs in the Senate, namely, that of the whip.

In preparing to speak this evening, I did not realize that Senator Graham was to speak before me. He reminded us that this is the last Speech from the Throne he will address. Senator Graham has brought great pride not only to this chamber and this institution, but also to his province and his country. It is hard to believe that he is on the verge of retirement. Senator Graham told us that he skated on the Rideau Canal this weekend. It makes one wonder whether, in the 1960s, when 75 was decided upon as the age of retirement for senators, it was a good decision. We can all be proud of what Senator Graham has done for this country over the last quarter of a century.

Hon. Senators: Hear, hear!

Senator Atkins: Honourable senators, before I begin my response to the Speech from the Throne, I wish to identify myself with the remarks of the Honourable Senator John Lynch-Staunton, who led off the debate for the opposition. I believe he hit the right tone when he said the following: "The main purpose of the speech is to continue the myth that a new Prime Minister means a new government."

I must admit that when I listened to the Speech from the Throne delivered in this chamber I was somewhat pleased with its content and direction. However, as I read and reread the context, I came to realize that there was really nothing there of substance for the Canadian people. There were a lot of generalizations and bait for setting the stage for a general election.

While the cities are happy about getting a GST rebate, what does that do? It is a small down payment against their real needs — needs that deal with crumbling infrastructure, needs that must be dealt with in a concrete, substantive fashion, not just a band-aid approach.

There is something fundamentally wrong with the financial, economic, taxation structure of this country when virtually all provinces, save Alberta, are either running or close to running deficits while the federal government continues to run a surplus, always much larger than originally estimated. We now hear it may be as large as \$5 billion this fiscal year.

This fundamental problem affects the delivery and accessibility of health care, education and social services. The provinces should have some guarantee that there is a longer-term plan and commitment in place, and they should be part of that plan. The provinces are in the front lines. They are responsible for the delivery of health care, for schools and post-secondary institutions, and for addressing social conditions that in many cases are quite different from one part of Canada to the other.

(2140)

The 10 years adrift that are the legacy of the Chrétien-Martin years have profoundly hurt this country. Canada's international competitiveness is now affected by a lack of government ethics and scandal. Its reputation in foreign affairs is declining. Where once the nations of the world looked up to us — for taking a position of principle in South Africa, for helping refugees from Vietnam, Cambodia and Somalia — our foreign policy is now unprincipled and a source of confusion to Canadians as well as to our international partners.

Our military lacks the capital equipment necessary to carry out the tasks given to it by the government. At home, long waiting lines and recurring shortages of personnel characterize our cash-strapped health care system. Our post-secondary students are struggling under mounting debt loads. Our taxation system remains less competitive in relation to the United States and most OECD countries. We need a competitive corporate tax system to attract foreign investment and industry, which is the creator of jobs.

Liberals sometimes forget that government itself does not generate revenue; its only revenue comes from taxpayers. If there are no jobs, no corporations creating jobs, then revenue fails and our social programs suffer.

With all of this as background, as I said earlier, I listened attentively to the Speech from the Throne. I must admit I felt at least some of the problems that we were concerned about might have been addressed. Unfortunately, this so-called new Liberal administration, like the old Liberal government in which the Prime Minister played such a pivotal role, offers no immediate solutions to the problems that they have ignored for years.

Let us go through the list: There is no announcement of immediate tax relief for the working poor or to attract business investment in Canada; no help for the students who are presently overwhelmed by student debt loads. Many suggestions have been advanced in this place by others and by myself; all are ignored: tax deductibility of loan payments; a moratorium of two years upon graduation before payments are to be made; forgiveness of loans in return for community service; and eliminating tax on bursaries and scholarships.

Health care will receive more federal-provincial discussions. The Kirby-LeBreton committee presented the blueprint for health care reform two years ago in the Senate. The challenge is implementation.

Our military finally received a commitment to address some of its capital needs — "some" of its capital needs — in the future, but what of the present? Can we not take a two-track approach to capital renewal? Can we not buy off the shelf to address immediate needs while we put into play our long-term purchasing programs?

This government needs to immediately undertake a cohesive review of foreign and defence policy that will outline the role our military will play in the future and then fund them properly. This

should happen without delay. Parliament and the appropriate parliamentary committees, including Senate committees, must be given the first opportunity to examine and pronounce on this review.

The aid given to Canadian cities is but a band-aid approach for real reform. If the cities are to benefit from the GST, why not our universities, school boards, libraries, hospitals and other institutions? What makes these institutions, which are provincial creations, different from cities and less worthy of help?

There is, as always, no coherent plan. This is simply a grab bag of clichés, not unlike Red Book I or the subsequent Red Books. The author is the same and the promises are not new. Many parts of the original Red Book can be seen in this speech and they remain unfulfilled.

We wait anxiously to see how the Prime Minister deals with the real deficit that affects his government — the ethical deficit. Will there be a truly independent ethics commissioner, or will we have more of the same neglect that hurts our international relations, our military, our seniors, our students and our poor?

The Speech from the Throne is a speech whose promises will not have to be implemented before the next election if that election is called in April, as we all suspect. I believe Mr. Martin should wait, govern for a few months and demonstrate to Canadians why he believes he is a break from the past Chrétien administration. Let him deal with the issues I have raised here today and demonstrate that real change has occurred. If he does not, we will only have witnessed yet again a list of Liberal promises that remain unfulfilled.

Hon. Douglas Roche: Honourable senators, I have a point of order. I would inquire of the Deputy Leader of the Government if he is prepared to extend this debate, which is now in its seventh day, beyond the eighth day so that senators who so desire could speak a few days from now?

The Hon. the Speaker: I take it that is really a point of information.

Senator Rompkey, do you wish to respond?

Hon. Bill Rompkey (Deputy Leader of the Government): We had hoped to conclude the debate tomorrow. Of course, there is opportunity tonight and tomorrow for senators to speak. We tried to accommodate all senators who wants to speak; we have heard from quite a few people. We would hope to conclude the debate tomorrow.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the motion to which Senator Roche is referring has never been presented to the house, so we are not under any eight-day limit. Should the government decide to introduce such a motion, then the clock would start ticking from the day that motion is passed. As it stands now, there are as many days as we require, plus eight days should the other side bring in closure on the debate on the Address in reply to the Speech from the Throne.

On motion of Senator LeBreton, debate adjourned.

[Translation]

[English]

OFFICIAL LANGUAGES ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Gill, for the second reading of Bill S-4, to amend the Official Languages Act (promotion of English and French).—(*Honourable Senator Stratton*)

Hon. Marie-P. Poulin: Honourable senators, this debate was adjourned by Senator Stratton. We spoke to each other on Thursday and he generously agreed to let me say a few words this evening, before him. Do I have the consent of my colleagues?

Hon. Senators: Agreed.

Senator Poulin: Honourable senators, Bill S-4 amends the Official Languages Act to clarify section 41 of part VII of this act to make it enforceable. This is the third bill that Senator Gauthier has presented to the Senate on this issue in the past three parliamentary sessions. And, following consultations, comments and proposals, each one of these bills has been improved.

• (21:50)

As we all know, Bill S-32 was considered by the Standing Senate Committee on Legal and Constitutional Affairs. After eight meetings were held and 32 witnesses heard from, the bill unfortunately died on the Order Paper. Bill S-11 was introduced and placed on the Order Paper. It went through the stages of first reading, second reading and referral to committee. The committee prepared and adopted a report. The bill was returned to the House, but again, it died on the Order Paper.

Honourable senators, I think we are all well prepared to study Bill S-4. It specifies the imperative character of the commitment set out in Part VII of the Official Languages Act. Bill S-4 takes into account most of the recommendations made by the Commissioner of Official Languages and several of the witnesses.

I therefore invite you, honourable senators, to read the speech given by Senator Gauthier in this House on Thursday, February 5, 2004. His arguments are clear and his examples from court decisions consistent. I urge you to support Bill S-4, which calls on us to accept our constitutional mandate to protect minorities and to represent our regions.

On motion of Senator Kinsella, for Senator Stratton, debate adjourned.

CRIMINAL CODE

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Kinsella, for the second reading of Bill C-250, to amend the Criminal Code (hate propaganda).—(*Honourable Senator Tkachuk*).

Hon. David Tkachuk: Honourable senators, the other day we had a vote because some honourable senators did not wish to allow the adjournment of the debate on this item, a motion that I had moved. To those honourable senators who defended the tradition of adjournment as a way for an honourable senator who decides to speak and gather his thoughts, I thank you for that.

The number of senators who believed that my adjournment meant some kind of delaying tactic surprised me. This behaviour only strengthened my belief that the politics of this bill is sometimes unsavoury.

Two honourable senators had spoken — they had both spoken in the last Parliament — and in this Parliament they raised new issues. Surely, two, five or 10 people, if they wished, should be allowed to speak, since the first two speakers raised new issues. This is, after all, an amendment to the Criminal Code.

Contrary to what many believe, our most important function in this place is not committee study. As the highest court of the land — Parliament — it is the passing of judgment on the law that governs our people.

I ask that the committee assigned to the study of this bill do so carefully, and not be rushed by the gay lobby because the government may call an early election. Whenever I hear that this is just a simple amendment — and we have heard that before about other bills — I know that we are in trouble. To rush to include new participants is demeaning to the people whom this section of the Criminal Code protects.

The reason I wish to speak to this matter is that honourable senators speaking in favour of the bill raised the issue that homosexuality cannot be helped, alluding to the principle that there is a homosexual gene and that homosexuals are “born that way.” That is a myth, as near as I can tell. There is no gay gene, and there is no respectable researcher who says that there is, or has proven that there is. Social and environmental factors are at work here.

Do the words “sexual orientation,” therefore, best describe what the proponents of this bill are trying to do, or can it be literally interpreted or liberally interpreted, therefore causing problems in a particular part of the Criminal Code that is very important to other groups? If it is left in an unclear state, that is, if we do not do our job as parliamentarians to ensure that it is clear and thereby cause problems for judges in interpreting the Charter

of Rights and Freedoms, I can see people's fear that interpretation may be too liberal and interfere with freedom of speech.

The committee should also investigate the claims of hate crimes being committed in Canada today. American gay groups have been known to exaggerate the number of incidents to suit political purposes. I believe that Canadians who want this bill would do the same.

I refer now to an organization called the Independent Gay Forum, which honourable senators may access on the Internet, if they so wish. It has as contributors some of the most respected gay writers in North America, and probably the world. They discuss what happened in the United States following the dreadful death of Matthew Shepard.

Andrew Sullivan, writing for the above-mentioned Web site, which is an intellectual and academic forum for homosexuals, writes about the death of Shepard. He is the man who was killed and whom the gay lobby took it upon themselves to turn into a martyr for their legislative agenda. Andrew Sullivan writes the following:

... if Shepard's fate proved the ubiquity of anti-gay murders, then his elevation to totemic status might also make sense. But, again, the evidence shows that Shepard is representative of very few gay Americans. According to the FBI, in 1997, the year before Shepard was killed, a total of three hate-crime murders of homosexuals were recorded in the entire United States. This number is not a fiction. Murders are the least underreported of crimes, because bodies have to be accounted for, and the FBI's number is the total reported by some 10,000 reporting agencies across the country. But let's assume that the FBI understates gay hate-crime murders by a factor of five. That makes 15 anti-gay murders a year. Further assume that around five per cent of the population is gay. —

His number is high, but lower than what the political gay movement would have you believe.

That means that the chance of a gay American meeting the same fate as Matthew Shepard is about one in a million. Or about the same as being hit by a railroad train.

I ask honourable senators to study this amendment carefully and not be hurried by some agenda that will do the common man harm, damage free speech and denigrate the very power of the section that protects other groups that require that protection.

I will go back to the Independent Gay Forum because, on December 10, 2001, Peter McKnight wrote an article in the *Ottawa Citizen*, "The Last Word on Hate Crimes," and it appears on the Independent Gay Forum Web site as well. He fears that the bill that we are considering here is a bill that may hurt the gay community more than it helps them. I will quote him:

The Canadian government has enacted a law that criminalizes hate propaganda on matters such as race. A leading Canadian gay rights group has called for this law to be extended to include speech about sexual orientation. Yet gays are among those with the most to lose once we abandon the principle that free expression should apply even to ideas we loathe.

• (2200)

He talks about NDP Member of Parliament Svend Robinson and his lobbying groups. He also talks about how gays were the people who fought for free speech. Honourable senators will remember Little Sisters, a Vancouver gay and lesbian bookstore, challenging the right of Canada's Customs officials to seize books under Canada's obscenity laws. After a 15-year battle, the Supreme Court of Canada upheld that law.

Peter McKnight begins his article in an interesting way. He writes: "Gay men have done everything in their power to be seen as sex-obsessed party animals." At the end of the article, McKnight writes:

I'm not the author of my opening statement equating gay men with sex-obsessed animals. Nor is it the product of an evangelical preacher. It's a paraphrase of National Journal columnist Jonathon Rauch's review of *Out for Good*, a history of the gay movement by Dudley Clendinen and Adam Nagourney. If Robinson and EGale are successful in their efforts to limit speech, eloquent writers like Rauch may be the first to fall.

Thank you, honourable senators.

On motion of Senator LaPierre, debate adjourned.

FOREIGN AFFAIRS

BUDGET REPORT OF COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Stollery, seconded by the Honourable Senator Banks, for the adoption of the Second Report of the Standing Senate Committee on Foreign Affairs (budget—study on Canada-United States and Canada-Mexico trade relationship), presented in the Senate on February 12, 2004.—(*Honourable Senator Rompkey, P.C.*).

Hon. Peter A. Stollery: Honourable senators, I think, having consulted, that there is consent in the chamber to adopt this motion. I am prepared to take any questions, of course.

The Hon. the Speaker: Honourable senators, I advise that this is a substantive motion. If Senator Stollery speaks now, his speech will have the effect of closing the debate.

Senator Stollery: Honourable senators, as I said, I believe there is agreement to adopt the report.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

MOTION REQUESTING GOVERNMENT RESPONSE— ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Fraser:

That, pursuant to rule 131(2), the Senate ask the Government to table a detailed and comprehensive response to the fourth report of the Standing Senate Committee on Official Languages, tabled in the Senate on October 1, 2003, during the Second Session of the 37th Parliament, and adopted on October 28, 2003.
—(Speaker's Ruling).

The Hon. the Speaker: This item should stand, awaiting my ruling.

Order stands.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

MOTION TO AUTHORIZE COMMITTEE TO STUDY CERTIFICATION OF PETITIONS TABLED IN THE SENATE— MOTION IN AMENDMENT—POINT OF ORDER

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Fraser:

That the Standing Committee on Rules, Procedures and the Rights of Parliament be authorized to examine, for the purposes of reporting by March 1, 2004, all Senate procedure related to the tabling of petitions in this Chamber in Parliament assembled, that a procedural clerk, having examined the form and content, certify the petitions in accordance with established standards and that follow-up be provided for in the Rules of the Senate,

And on the motion in amendment of the Honourable Senator Corbin, seconded by the Honourable Senator Maheu, that the motion be amended by deleting all the words after the word "That" and substituting the following therefor:

"the history of the practice in both the Senate and the House of Commons relating to petitions other than petitions for private bills, as well as the customs,

conventions and practices of the two Houses at Westminster, be tabled in the Senate and distributed to the honourable senators before being referred to the Standing Committee on Rules, Procedures and the Rights of Parliament."—(Honourable Senator Kinsella).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I think this motion is ready to be put to the chamber.

The Hon. the Speaker: Senator Gauthier has requested the floor, to make a point of order.

Hon. Jean-Robert Gauthier: Honourable senators, I rise on a point of order.

[Translation]

Hon. Jean-Robert Gauthier: Honourable senators, there was no debate on the motion that was introduced, in only one official language, by Senator Corbin. The debate was adjourned until today in the name of Senator Kinsella, so that the motion could be read in both official languages.

Having reread Senator Corbin's motion to amend this morning, I have serious reservations about the wording of the proposed amendment. The amendment does not make changes in the substance of the motion; it deletes the entire text of my motion of February 10, 2004, and replaces it with a different text. In so doing, Senator Corbin eliminates the substantive motion. What he has created is a superseding motion. According to 559.(2)(b) of *Beauchesne's Parliamentary Rules and Forms*, this is a dilatory motion. This kind of motion short-circuits the rules, eliminates the substantive question and proposes a new formula, which is unacceptable in parliamentary procedure.

After consulting Beauchesne, Marleau and Montpetit, and Erskine May, I found they all agree that it is irregular and unacceptable to introduce a superseding motion.

Senator Corbin's motion may have some merit, but 24-hour notice must be given to suggest a different procedure.

It is difficult to justify the Senate not having an appropriate and serious procedure for dealing with petitions. For all practical purposes, this heading in the Senate Order Paper allows Canadians to present petitions. But the *Rules of the Senate* provide for no follow-up, which is regrettable.

Senator Corbin has stated that it was not his intention to prevent the Senate from adopting serious measures to give proper treatment to the petitions tabled in the Senate. He added that he has rarely heard complaints about the way petitions are dealt with in this chamber. He has never found it appropriate to suggest procedures, rules or a serious follow-up to petitions. The lack of a rule does not appear to worry him.

In his comments, Senator Corbin recognized that petitions receive no follow-up once they are placed on the Clerk's table. They are filed in a Clerk's office and forgotten. That is not a serious procedure.

It is time for a change. Our procedures must be modernized and this matter of petitions settled. It must not be put off until later, as Senator Corbin is proposing.

For more than four years now, I have been making suggestions to the Standing Senate Committee on Rules, Procedures and the Rights of Parliament. When I was a member of that committee, I had suggested that it examine the matter of petitions in order to propose a procedure to address their form, content and a serious follow-up, as is the practice in other legislative chambers in Canada and elsewhere.

The committee held a number of meetings under the chairmanship of Senator Austin and reported on June 11, 2002. The committee members did their job seriously. The research was intense, the discussions interesting and productive. Unfortunately, the chambers were prorogued and the report forgotten.

Some of the proposals of the 14th report of that committee were adopted by the Senate, specifically relating to the procedure allowing the government to be asked to provide a comprehensive response to a report from the Senate once that report had been adopted by the Senate. The matter of petitions is still pending, because the report was never adopted in its entirety.

Recently, the committee clerk issued a notice to all members indicating that it was of interest to resume discussion on petitions in order to continue this debate.

For some reason unknown to me, I was excluded from the committee last year. As a result, I can no longer make suggestions to the committee on petitions.

Last fall, I promoted a constitutional amendment aimed at declaring Ottawa, the capital of this country, a bilingual city. A large number of petitions have been tabled in support of this. I have tabled under "Petitions" over 25,000 of these so far, calling upon the Senate in Parliament assembled to affirm in the Constitution of Canada that Ottawa, the capital of Canada, be declared a bilingual city under the Constitution by virtue of section 16 of the Constitution Act of 1867 and 1982. The motion in question is Number 28 on the *Order Paper*.

• (2210)

The objective is clear and precise and I am certain the 25,000 petitioners expect serious follow-up by the Senate.

The Senate must deliberate this matter and adopt, as soon as possible, a serious and effective procedure and a follow-up worthy of the Canadians making the request. This must be done in order to improve access to municipal and provincial services in the nation's capital, in Canada's two official languages and in a fair and impartial manner.

The honourable senators could read Chapter C of the 14th report tabled by Senator Austin nearly two years ago. The procedure is simple. Everything from rules, suggestions and proposals is covered. It is not productive to ask that we look into the history of everything that is being done elsewhere. I could cite

authors on procedure such as Beauchesne or Marleau and Montpetit, who support the fact that petitions are serious and require a follow-up.

All I want is to see the Committee on Rules, Procedures and the Rights of Parliament take this matter under consideration and table a report as soon as possible so we can settle this.

Hon. Senators: Hear, hear!

Hon. Eymard G. Corbin: Honourable senators, I would have preferred it if Senator Gauthier had not personalized the matter in his point of order. I introduced a motion in amendment and it was not Senator Corbin's motion.

There is no point in crying over spilt milk. Senator Gauthier may be right, but it is absolutely incorrect to jump from that to claiming my intention was dilatory. I am concerned about the way changes are made to the *Rules of the Senate*.

People rarely take time to carry out a historical overview in order to try to understand why the rules are worded in such a way, and why they are sometimes so strictly applied. That is what the proposed amendment calls for, not rejection of Senator Gauthier's proposal. In my opinion, rules that have been in existence for 130 years must certainly exist for a reason. I will say no more. It is simple, and there is no need to look for a motive.

[English]

The Hon. the Speaker: I believe I followed Senator Gauthier's point of order very well, and Senator Corbin's response, but I would like to take a look at the authorities. Accordingly, I will take the matter under consideration and bring back a ruling as soon as possible.

ABORIGINAL PEOPLES

MOTION TO ADOPT SIXTH REPORT OF COMMITTEE OF SECOND SESSION AND REQUEST GOVERNMENT RESPONSE—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Sibbeston, seconded by the Honourable Senator Adams:

That the sixth report of the Standing Senate Committee on Aboriginal Peoples, tabled in the Senate on October 30, 2003, during the Second Session of the 37th Parliament, be adopted and that, pursuant to Rule 131(2), the Senate request a complete and detailed response from the Government, with the Ministers of Indian Affairs and Northern Development, Justice, Human Resources and Skills Development, Social Development, Canadian Heritage, Public Safety and Emergency Preparedness, Health, and Industry; and the Federal Interlocutor for Métis and Non-status Indians being identified as Ministers responsible for responding to the report.—(*Speaker's Ruling*).

The Hon. the Speaker: This ruling is not ready. I will rule as soon as possible. [English]

Order stands.

[Translation]

CULTURE OF LIBERAL GOVERNMENT

NOTICE OF INQUIRY—SPEAKER'S RULING

On the Order:

That she will call the attention of the Senate to the culture of corruption pervading the Liberal government currently headed by Prime Minister Paul Martin.

The Hon. the Speaker: Honourable senators, on Wednesday, February 11, Senator LeBreton gave notice of an inquiry, the purpose of which was to call the attention of the Senate to "the culture of corruption pervading the Liberal government currently headed by Prime Minister Paul Martin." Prior to Orders of the Day, Senator Milne rose on a point of order to object to the language of the notice. Citing "Marleau and Montpetit", the parliamentary authority of the other place, Senator Milne asserted that the language of the inquiry was unparliamentary and she requested that I rule it out of order.

[English]

Several other senators offered their views on the merits of the point of order. Senator Carstairs noted the criminal implications in using the word "corruption." Senator Cools also noted the imputation and underlying motivations being attributed to unnamed individuals. Senator Robichaud, for his part, found the use of the phrase "culture of corruption" both offensive and provocative. Senator Kinsella, on the other hand, citing supportive references from the Auditor General's report on the activities of Government Services Canada, found the word "corruption" perfectly acceptable. This view was shared by Senator Di Nino, who noted the phrase "culture of corruption" was being used in the other place with apparent impunity.

Following final remarks by Senator Milne, I agreed to review the arguments that had been made relative to the merits of the point of order. I also indicated that I would look at any precedents and authorities that might assist me in reaching a decision. I have done this and I am now prepared to make my ruling.

[Translation]

In considering this point of order, I am mindful of the role I have as Speaker. My task, as I see it, is to assist the members of this Chamber in the pursuit of their parliamentary duties by permitting the greatest possible latitude in debate. At the same time, however, I am obliged by the *Rules of the Senate* to maintain order and decorum in this place. Without this order, which is essential to the proper conduct and dispatch of business, it would be much more difficult for all senators to exchange views and reach decisions.

Without exception, every parliamentary institution, whether the other place or assemblies and legislatures across the country and throughout the Commonwealth, must deal with the matter of orderly debate and unparliamentary language. In the Senate, rule 51 prohibits "all personal, sharp or taxing speeches." This rule has been part of our practice since 1867. In addition, as a pre-emptive measure, rule 64 provides that "a notice containing unbecoming expressions or offending against any rule or order of the Senate shall not be allowed by the Speaker to appear on the Order Paper."

The 6th edition of *Beauchesne's Parliamentary Rules and Forms*, a standard Canadian authority for many years, provides a list of words and expressions that involved an intervention by the Speaker of the other place because they were considered by some members to be intemperate or unparliamentary. Among the words listed on page 149 is the word "corrupt." In reviewing *Beauchesne's* further, I found, as a cautionary note, a passage indicating that "no language is, by virtue of any list, acceptable or unacceptable. A word which is parliamentary in one context may cause disorder in another context, and therefore is unparliamentary." This, then, is one guide I have used in sorting out the merits of this point of order.

Last May, an event occurred in the Senate that relates in some measure to what the Senate is confronting now. During its study of a code of conduct, the committee on Standing Committee on Rules, Procedures and the Rights of Parliament heard from a witness who made a reference to the public perception of corruption in government and in Parliament. Senator Carstairs, then the Leader of the Government, made a reference to these remarks, which led to numerous exchanges between the senator and others in this chamber, including Senator Lynch-Staunton, the Leader of the Opposition. While no one sought the retraction of the word on the basis of its unparliamentary nature, it clearly offended many and led to numerous pointed exchanges. My purpose in mentioning this incident is that the word "corruption" does convey a charged meaning and should only be used with caution.

• (2220)

The Senate has a tradition of being generous in the opportunities it allows members to present motions and inquiries for debate. In this respect, the Senate remains true to its early history and its fundamental purpose. It is easy for senators to initiate debate on virtually any topic of concern to them.

Given this liberty, I would suggest that senators have a responsibility to draft their motions and inquiries in such a way that would not likely provoke unnecessary disorder. This is not to deny the right of all senators to a vigorous debate with contending views and exchanges strongly expressed. Rather, it is an admonition to avoid rancour and bitterness that are clearly counterproductive to the healthy exercise of free expression.

[Translation]

Even though I have the authority as Speaker under rule 64 to disallow the inquiry that was proposed by Senator LeBreton, I do not feel it would be in keeping with the traditions of the Senate to actually exercise this authority in this case. Instead, I will rely on the good judgment of senators who choose to participate in this debate to refrain from using any language that is unparliamentary in its context.

[English]

It is my ruling, therefore, that the inquiry proposed by Senator LeBreton is in order.

AGRICULTURE AND FORESTRY**COMMITTEE AUTHORIZED TO STUDY PRESENT
STATE AND FUTURE OF AGRICULTURE
AND FORESTRY**

Hon. Donald H. Oliver, pursuant to notice of February 11, 2004, moved:

That the Standing Senate Committee on Agriculture and Forestry be authorized to hear from time to time witnesses, including both individuals and representatives from organizations, on the present state and the future of agriculture and forestry in Canada;

That the committee submit its final report no later than June 30, 2004.

Motion agreed to.

**COMMITTEE AUTHORIZED TO CONTINUE STUDY
ON DEVELOPMENT AND MARKETING
OF VALUE-ADDED AGRICULTURAL,
AGRI-FOOD AND FOREST PRODUCTS**

Hon. Donald H. Oliver, pursuant to notice of February 11, 2004, moved:

That the Standing Senate Committee on Agriculture and Forestry be authorized to examine the issues related to the development and marketing of value-added agricultural, agri-food and forest products, on the domestic and international markets;

That the papers and evidence received and taken on the subject during the Second Session of the Thirty-seventh Parliament be referred to the Committee;

That the Committee submit its final report to the Senate no later than June 30, 2004, and that the Committee retain until July 31, 2004 all powers necessary to publicize its findings.

Motion agreed to.

NATIONAL FINANCE**BILL C-212—COMMITTEE AUTHORIZED TO REFER
DOCUMENTATION FROM SECOND SESSION**

Hon. Lowell Murray, pursuant to notice of February 13, 2004, moved:

That the Standing Senate Committee on National Finance to which was referred Bill C-212 on February 11, 2004, be also referred the papers and evidence received and taken on the subject and the work accomplished by the Committee during the Second Session of the Thirty-seventh Parliament

Motion agreed to.

**ENERGY, THE ENVIRONMENT
AND NATURAL RESOURCES****COMMITTEE AUTHORIZED
TO RECEIVE PAPERS AND EVIDENCE**

Hon. Tommy Banks, pursuant to notice of February 13, 2004, moved:

That the papers and evidence received and taken by the Standing Senate Committee on Transport and Communications during its study of Bill S-26, concerning personal watercraft in navigable waters, in the First Session of the Thirty-seventh Parliament and the papers and evidence received and taken during the Second Session of the Thirty-seventh Parliament during the study of Bill S-10, concerning personal watercraft in navigable waters, be referred to the Standing Senate Committee on Energy, the Environment and Natural Resources for its study of Bill S-8, concerning personal watercraft in navigable waters.

Motion agreed to.

The Senate adjourned until tomorrow at 2 p.m.

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(HANSARD)

Tuesday, February 17, 2004

—◆—
THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Tuesday, February 17, 2004

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

EXCHANGE BETWEEN LEADER OF THE GOVERNMENT AND LEADER OF THE OPPOSITION

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, tempted as I still am to raise a question of privilege following an exchange with the Leader of the Government last evening, I am resisting the almost overwhelming urge to do so in the interest of not delaying regular proceedings unduly and, instead, will limit myself to putting the facts on the record.

As yesterday's Hansard shows, Senator Kinsella asked, "Why are we here tonight?" The Leader of the Government in the Senate replied, "To hear from Senator Lynch-Staunton."

No one on the government side, nor on this side, was ever told by me that I intended to speak on any item on yesterday's Order Paper because, as I had advised the Deputy Leader of the Opposition last week, I had a longstanding engagement to speak in Halifax yesterday, which I did. I was not to return to Ottawa until late afternoon.

This information was provided to the Deputy Leader of the Government during the routine meeting yesterday morning to plan the business of the day. Senator Murray also inquired directly and received the same information.

The Leader of the Government also said:

Let us tell the rest of the story. Senator Kinsella asked why we were here tonight and I said that we were here to hear Senator Lynch-Staunton speak because his name is on the Order Paper.

Nothing could be further from the truth. Such sophistry cannot be allowed to stand unchallenged. Government legislation is never shown on the Order Paper in any senator's name. Rule 49(2) states:

A motion to adjourn the debate on any item of government business shall be deemed to be a motion to postpone that debate to the next sitting day. In this case, the item shall not stand on the Orders of the Day or the *Order Paper* in any Senator's name and may be called pursuant to rule 27(1).

Lest anyone miss the key element which the Leader of the Government in the Senate seemed inclined to dispute yesterday,

let me repeat for the benefit of honourable senators — and particularly for that of the honourable leader — that the item shall not stand on the Orders of the Day or the Order Paper in any senator's name.

I trust that this sets the record straight, and that the Leader of the Government will not hesitate to confirm it and act accordingly.

JUNIOR WOMEN'S CURLING CHAMPIONSHIP

CONGRATULATIONS TO WINNING NOVA SCOTIA TEAM

Hon. Wilfred P. Moore: Honourable senators, I rise today to offer my congratulations to the Nova Scotia team who captured the Canadian Junior Women's Curling Championship this past Sunday, February 15, in Victoria, British Columbia, in a dramatic, come-from-behind, 6-3 victory over the talented Marie-Christine Cantin team from Quebec. The Nova Scotia rink of the Chedabucto Curling Club in Boylston, Guysborough County, Nova Scotia, will now go on to represent Canada at the World Junior Curling Championships.

The new Canadian champions are: Skip, Jill Mouzar of Liverpool; Third, Paige Mattie of Boylston; Second, Blisse Comstock and her sister Chloe Comstock, Lead, both of Lunenburg.

Jill works in Halifax, Paige attends McGill University, Blisse attends Acadia University and Chloe attends St. Mary's University. It is a testament to their dedication, energy and sacrifice that these young women have been able to come together and achieve this high level of championship teamwork.

I am certain that all senators join with me in offering their congratulations to the Nova Scotia team and wishing them every success as the representative of Canada at the World Junior Curling Championships to be held March 20-28 next, at Trois-Rivières, Quebec.

LOW VOTER TURNOUT AMONG YOUNG PEOPLE

Hon. Donald H. Oliver: Honourable senators, this is a statement that I intended to give a week ago but this is the first opportunity I have had to give it. I apologize that it is a bit late.

I would like to bring to the attention of honourable senators an important event that took place more than a week ago in Bedford, Nova Scotia. Elections Canada chose that location to launch a new Web site for young voters and also to announce the results of a national contest for high school students to create a video that encourages voting. These initiatives were undertaken in response to the sharp decline in recent years in voter turnout among young people.

I am pleased to announce that one of the winning entries for the video contest was from the Flexible Learning and Education Centre in Nova Scotia. The creators of this video were Michael Carr, Nic Foster and Ashley McNeill. I ask all senators to join me in congratulating them and the other winners from across the country. I hope their advertisements and the Elections Canada initiative can help reverse the trend of low youth participation in the democratic process.

In the most recent federal election in 2000 when the overall voter turnout was 64 per cent, an historic low for Canada, only 25 per cent of 18- to 24-year-old Canadians eligible to vote bothered to cast a ballot. Put another way, three out of four young Canadians did not exercise their most basic democratic right. In addition, honourable senators, research conducted by Professor John Pammert of Carleton University also shows that not only are young people voting in fewer numbers but, over time, their willingness to participate also declines. According to this research, the implications are clear: If nothing is done to halt or reverse this trend, voter turnout will continue to decline over time to the detriment of the democratic process in Canada.

The reasons behind this decline in youth voter turnout are many but the main reasons given are that they see little relevance in the political process, and the belief that issues that matter to them do not seem to be a priority for the politicians. These are very harsh words, honourable senators, and we should heed them if we want to maintain the vibrancy of our democracy.

Honourable senators, we need to actively encourage initiatives to make the young people of Canada understand that by playing a role in the democratic process they can take charge of the future of this country. By exercising their right to vote during the electoral process, they are honouring the legacy handed down by their parents and grandparents over the last sixty years to ensure that the most basic right of democracy, the right to vote, is theirs to exercise. We need to let them know that, in a world where hundreds of millions of people do not have this right, we are among the fortunate few.

• (1410)

[Translation]

LA MAISON MATHIEU-FROMENT-SAVOIE

FIFTH ANNIVERSARY

Hon. Maria Chaput: Honourable senators, last Sunday I attended a concert marking the fifth anniversary of the opening of La Maison Mathieu-Froment-Savoie. The honorary chair of the event was Senator Viola Léger.

La Maison Mathieu-Froment-Savoie is a palliative care centre in the Outaouais. Founded in 1993, its objective is to help the terminally ill and their families through this important stage of their lives with respect and dignity.

The house was named in memory of Mathieu Froment-Savoie, a young cellist from the region who died of cancer in 1991 at the age of 13.

I would like to say a word in praise of one of our honourable colleagues, Senator Sharon Carstairs, whose continuing efforts have persuaded our government to support palliative care through the employment insurance program.

The theme of the fifth anniversary for La Maison Mathieu-Froment-Savoie was "Speak to me of love."

This project could never have been launched nor continue to exist without its many volunteers, donors and contributors.

Today, I would like to recognize more specifically the contribution of a number of artists who treated us to their unforgettable poems, songs and melodies on the theme of love. Thanks to them, the concert raised some \$10,000 for La Maison Mathieu-Froment-Savoie.

Too often we take the volunteer activities of our artists for granted. But these are the people who allow us to appreciate the beauty of life in all its facets, whether through poems, books, songs, music, the visual arts, or so much more.

Today, I would also like to pay tribute to all my honourable colleagues who are also artists, in particular, the honourable Senator Viola Léger, who read a poem, with piano accompaniment by Ms. Pierrette Froment-Savoie, the mother of the young cellist who died of cancer.

Senator, you touched the hearts of everyone present and your exceptional contribution to this event brought honour to the Senate of Canada.

[English]

NUNAVUT ELECTION

Hon. Willie Adams: Honourable senators, yesterday, residents of Nunavut voted in their second general election since the territory was created in 1999.

Nunavut consists of 26 communities, which are represented in 19 ridings. Nunavut takes up a very large part of Canada and communities tend to be isolated from one another. The population of Nunavut is approximately 26,000 and from this number 82 Nunavummiut put their names forward to run in the election.

Voter turnout was 95 per cent, and this indicates how involved the people of Nunavut want to be in their government. I am pleased to report that two women were elected to the legislature.

I would like to congratulate the new members of the Nunavut Legislative Assembly and wish them well as they undertake their new responsibilities. The names of the new members and their ridings are as follows:

Paul Okalik—Iqaluit West
 Hunter Tootoo—Iqaluit Centre
 Ed Picco—Iqaluit East
 Olayuk Akesuk—South Baffin
 Peter Kattuk—Hudson Bay
 Patterk Netser—Nanulik
 Peter Kilabuk—Pangnirtung
 Jobie Nutaraq—Tunnunig
 Steve Mapsalak—Amittuq
 David Simaliak—Baker Lake
 David Alagalak—Arviat
 Levi Barnabas—Quttiktuq
 Levinia Brown—Rankin Inlet South-Whale Cove
 James Arreak—Uqummiut
 Tagak Curley—Rankin Inlet North
 Leona Aglukkaq—Nattilik

BIOSAND WATER FILTER

Hon. Mira Spivak: Honourable senators, last week I succumbed. I could not resist the invitation of Monte Solberg in his little infomercial, and so I had the pleasure of seeing a remarkably simple, low-cost piece of Canadian technology that is bringing clean drinking water to tens of thousands of Cambodians.

The BioSand water filter, developed by Canadian Dr. David Manz, was on display in the Centre Block. As its name implies, through a slow-sand filtration process, it turns unsafe river water in developing countries into badly needed potable water.

Some 11,000 of them have been installed in two Cambodian provinces since January 2001. The Water for Life project is a joint effort of the Canadian International Development Agency, CIDA, and Samaritan's Purse Canada, a Calgary-based relief agency. Dr. Manz has generously allowed the agencies to use the water filter for humanitarian purposes.

Today, as a result of the project, 77,000 people in Cambodia can lead healthier lives, free of waterborne diseases that the World Health Organization estimates are causing 3.4 million deaths a year. This is just a simple little box with sand in it — a concrete pillar — that costs about \$75.

The next step for project workers, if CIDA grants its support, is to install 13,000 more water filters to help another 94,000 Cambodians. CIDA has also partnered with Samaritan's Purse on similar projects in Nicaragua and Ethiopia.

After seeing what this simple device can do, I applaud the project and sincerely hope that CIDA will continue lending its support to this important humanitarian work.

I must say that obviously Monte Solberg cannot be all bad if he stood up in the House of Commons and invited people to come to see this project in action.

ROUTINE PROCEEDINGS

SUSTAINABLE DEVELOPMENT STRATEGIES

DOCUMENTS TABLED

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table a number of documents on the sustainable development strategies on behalf of ministers of the Government of Canada. I would remind honourable senators that these documents are available at the Journals Branch and I would ask the Table to ensure that all senators receive a copy.

HUMAN RIGHTS

REPORT PURSUANT TO RULE 104 TABLED

Hon. Shirley Maheu: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Human Rights. This report outlines the expenses incurred by the committee during the Second Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 130.)

2002 BERLIN RESOLUTION OF ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY

REPORT OF HUMAN RIGHTS COMMITTEE PRESENTED

Hon. Shirley Maheu, Chair of the Standing Senate Committee on Human Rights, presented the following report:

Tuesday, February 17, 2004

The Standing Senate Committee on Human Rights has the honour to table its

SECOND REPORT

Your Committee, which was referred for consideration on February 10, 2004, a resolution encapsulating the 2002 Berlin OSCE (PA) Resolution, respectfully requests clarification on the mandate and its purpose.

Respectfully submitted,

SHIRLEY MAHEU
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Maheu, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

OFFICIAL LANGUAGES

REPORT PURSUANT TO RULE 104 TABLED

Hon. Maria Chaput: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the first report of the Standing Senate Committee on Official Languages on expenses incurred by the committee during the Second Session of the Thirty-seventh Parliament.

(For text of report, see today's Journals of the Senate, p. 131.)

REPORT OF COMMITTEE ON THE APPOINTMENT OF THE HONOURABLE JEAN-ROBERT GAUTHIER AS HONORARY CHAIR TABLED

Hon. Maria Chaput: Honourable senators, I have the honour to table the second report of the Standing Senate Committee on Official Languages concerning the selection of an honorary chair.

• (1420)

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO CONTINUE STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

Hon. Maria Chaput: Honourable senators, I give notice that at the next sitting of the Senate I shall move:

That the Senate Standing Committee on Official Languages be authorized to study and report from time to time upon the operation of the Official Languages Act, and of regulations and directives made thereunder, within those institutions subject to the Act, as well as upon the reports of the Commissioner of Official Languages, the President of the Treasury Board and the Minister of Canadian Heritage;

That the Committee table its final report no later than June 30, 2004; and

That the papers and evidence received and taken on the subject and the work accomplished during the second session of the 37th Parliament be referred to the Committee.

[English]

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO ENGAGE SERVICES

Hon. Shirley Maheu: Honourable senators, I give notice that tomorrow, I shall move:

That the Standing Senate Committee on Human Rights have power to engage the services of such counsel and

technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. Shirley Maheu: Honourable senators, I give notice that tomorrow, I shall move:

That the Standing Senate Committee on Human Rights be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

[Translation]

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO CONTINUE STUDY OF LEGAL ISSUES AFFECTING ON-RESERVE MATRIMONIAL REAL PROPERTY ON BREAKDOWN OF MARRIAGE OR COMMON LAW RELATIONSHIP

Hon. Shirley Maheu: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Human Rights be authorized to examine and report upon key legal issues affecting the subject of on-reserve matrimonial real property on the breakdown of a marriage or common law relationship and the policy context in which they are situated.

In particular, the Committee shall be authorized to examine:

- The interplay between provincial and federal laws in addressing the division of matrimonial property (both personal and real) on-reserve and, in particular, enforcement of court decisions;
- The practice of land allotment on-reserve, in particular with respect to custom land allotment;
- In a case of marriage or common-law relationships, the status of spouses and how real property is divided on the breakdown of the relationship; and,
- possible solutions that would balance individual and community interests.

That the papers and evidence received and taken on the subject and the work accomplished by the Senate Standing Committee on Human Rights during the Second Session of the Thirty-Seventh Parliament be referred to the Committee;

That the Committee submit its final report no later than June 25, 2004, and that the Committee retain all powers necessary to publicize the findings of the Committee contained in the final report until July 30, 2004.

RECOGNITION OF WRONGS DONE TO ACADIAN PEOPLE

[English]

NOTICE OF INQUIRY

Hon. Gerald J. Comeau: Honourable senators, I give notice that at the sitting of the Senate of Thursday, February 19, 2004:

I will call the attention of the Senate to the *House of Commons Debates* of February 11, 2004; specifically the concerns caused by Bloc Québécois Stéphane Bergeron's Motion M-382 in which he is seeking:

That a humble Address be presented to Her Excellency praying that, following the steps already taken by the Société Nationale de l'Acadie, she will intercede with Her Majesty to cause the British Crown to recognize officially the wrongs done to the Acadian people in its name between 1755 and 1763.

OFFICIAL LANGUAGES

BILINGUAL STATUS OF CITY OF OTTAWA— PRESENTATION OF PETITION

Hon. Jean-Robert Gauthier: Honourable senators, pursuant to rule 4(h), I have the honour to table in this House petitions from another 1,000 signatories, for a total of 27,840 to date, asking that Ottawa, the capital of Canada, be declared a bilingual city, reflecting the country's linguistic duality.

The petitioners wish to draw the attention of Parliament to the following:

That the Canadian Constitution provides that English and French are the two official languages of our country and have equality of status and equal rights and privileges as to their use in all institutions of the Government of Canada;

That section 16 of the Constitution Act, 1867, designates the city of Ottawa as the seat of the government in Canada; and

That citizens have the right in the national capital to have access to the services provided by all institutions of the Government of Canada in the official language of their choice, namely French or English;

That the capital of Canada has a duty to reflect the linguistic duality at the heart of our collective identity and characteristic of the very nature of our country.

Therefore, your petitioners call upon Parliament to affirm in the Constitution of Canada, that Ottawa, the capital of Canada — the only one mentioned in the Constitution — be declared officially bilingual, under section 16 of the Constitution Acts from 1867 to 1982.

QUESTION PERIOD

HEALTH

PLANS FOR PANDEMIC INFLUENZA— STATUS OF VACCINE SUPPLIER

Hon. Wilbert J. Keon: Honourable senators, my question is for the Leader of the Government in the Senate. Last week, Health Canada unveiled its plans for dealing with pandemic influenza, including its intention to provide enough vaccine for every Canadian. The contracted supplier for the vaccine is Shire Biologics of Laval, Quebec. The supplier's British parent company, Shire Pharmaceuticals Group PLC, is reportedly in the process of trying to sell this company or spin it off.

Despite this news, there is no back-up vaccine supplier named in Health Canada's pandemic plans. Even if this particular company were not sold, Health Canada should have a contingency plan in place in the event that the original supplier is unable to produce the vaccine or to meet full demand for whatever reason.

Could the Leader of the Government in the Senate tell us if Health Canada will set up a contingency plan regarding the procurement of flu vaccine?

Hon. Jack Austin (Leader of the Government): Honourable senators, I cannot imagine why the contract with the designated supplier would be interfered with in any way if the ownership of the company were transferred to another company. The contract would still be viable. I cannot see why the company would not continue to be in business.

However, the suggestion that there be a contingency supplier may be well worth taking into account. Of course, the Honourable Senator Keon knows that asking someone to set up a contingency program costs a great deal of money because they would have to be able to manufacture the vaccine just as quickly as the primary supplier. I cannot take the honourable senator beyond this level of answer, but I will look into it. Perhaps we could have a discussion about the issue.

• (1430)

PLANS FOR PANDEMIC INFLUENZA— POSSIBILITY OF SPLITTING SUPPLIER CONTRACTS

Hon. Wilbert J. Keon: Honourable senators, I must say that this situation is not unusual. One of the things that has worried me over the last number of years relates to decisions being made by governments of every political persuasion and jurisdiction to consolidate, and thus have one big dinosaur that, in turn, can roll over and die, and then we are left with nothing. It would seem more reasonable to me that contracts of this size should be awarded to two companies instead of one, in order to keep internal markets and foster healthy competition. I appreciate that it is not always as simple as that because sometimes they cannot get the quality assurance that they require, but I think we must encourage that much more than we have in the past.

We have had far too much consolidation in health resources in Canada. I attended the health summit in Washington a couple of weeks ago — I am sorry, Your Honour, for this harangue — and it is interesting that there has not been a single consolidation in America of health care resources, hospitals and such, that has not resulted in an increased cost to the consumer. We must be very careful about putting all of our eggs in one basket.

My supplementary question is: Could the government look into the possibility of splitting these contracts and giving half of the contracts to another supplier?

Hon. Jack Austin (Leader of the Government): Certainly, I will take up the question with the Minister of Health, Senator Keon. I know that the primary focus of the government at the moment is ensuring, when a viral infection occurs, that it can be identified very quickly because, as you well know, the response time to make enough doses of vaccine to cover any appreciable part of the Canadian population is quite long.

JUSTICE

BUSINESS DEVELOPMENT BANK—QUEBEC SUPERIOR COURT RULING EXONERATING FORMER PRESIDENT

Hon. Marjory LeBreton: Honourable senators, my question is for the Leader of the Government in the Senate. A few weeks ago, the Quebec Superior Court ruled that François Beaudoin, the former president of the Business Development Bank, had every reason to believe he was the victim of a vendetta led by friends of the former prime minister, including Jean Carle and Michel Vennat. Mr. Justice André Denis said:

If one had to break Mr. Beaudoin and ruin his career, one would not have acted differently. This entire affair leaves a profound impression of an injustice.

Honourable senators will recall that Mr. Beaudoin's integrity was impugned when he was first stripped of his powers as the bank president, forced out of his job at the bank, and then accused of manipulating the pension fund to his personal advantage. He was the subject of an extraordinary early morning police raid on his home and cottage. Mr. Beaudoin and his family were put through the wringer by the thuggery tactics of this government.

Can the Leader of the Government tell us when the Prime Minister will issue an apology on behalf of the Prime Minister's Office and the Government of Canada to Mr. Beaudoin and his family for the immense pain and suffering caused by these horrific events?

Hon. Jack Austin (Leader of the Government): Honourable senators, I would not for a moment begin to dispute the decision of the judge in the *Beaudoin* case. I am personally appalled by the findings that the judge has made with respect to the circumstances.

As for an apology by the government, this is one step that I am not sure is appropriate. It was not this government that was responsible for the actions of that day.

Senator Lynch-Staunton: The RCMP?

Senator Austin: I do not know how they are involved in an apology, but in any event I might say that the events as described by the judge are highly regrettable.

Senator LeBreton: On August 3, 2000, then Industry Minister John Manley appointed Mr. Michel Vennat as President of the Business Development Bank for a five-year term. Honourable senators will recall that Mr. Vennat had acted as chairman of the board during the period when Mr. Beaudoin was stripped of his powers as the president. In light of Mr. Justice Denis' damning indictment of Mr. Vennat's action, can the Leader of the Government tell us if the Government of Canada has requested the resignation of Mr. Vennat, and if not, when will they do so?

Senator Austin: Honourable senators, I will simply reply to that question by saying that I have no information on what consideration the Government of Canada is giving to the question that Senator LeBreton is asking.

Senator LeBreton: Honourable senators, can the Leader of the Government in the Senate then tell us how much this civil suit has cost the Business Development Bank and the taxpayers of Canada?

Senator Austin: Honourable senators, I cannot give you an answer to how much this action has cost. I think the whole nature of the question is designed to suggest that this government is somehow culpable, and I deny that that is the case.

BUSINESS DEVELOPMENT BANK

LOANS TO AUBERGE GRAND-MÈRE AND AUBERGE DU GOUVERNEUR

Hon. Marjory LeBreton: My final supplementary question is this: On March 28, 2001, a newspaper report stated that the former prime minister had used his role as a member of Parliament to help the Auberge du Gouverneur and the Auberge Grand-Mère. Both of these hotels had loans from the Business Development Bank, and it is reported that both hotels are now in bankruptcy. In fact, one of them, I think, was practically ruined by fire.

Can the Leader of the Government tell us how much the Business Development Bank lost in these two ventures because of the interventions of the former prime minister?

Hon. Jack Austin (Leader of the Government): Honourable senators, I do not believe any money was lost due to the intervention of the former prime minister.

JUSTICE

BUSINESS DEVELOPMENT BANK—QUEBEC SUPERIOR COURT RULING EXONERATING FORMER PRESIDENT

Hon. David Tkachuk: Honourable senators, the Chrétien administration and the Liberal government condoned what I would call "jackboot techniques" in the raids on François Beaudoin's house and cottage, and this government has continued in the same vein. We all were shocked about the raid on Juliet O'Neill's home and office. My question follows up on Senator LeBreton's question about an apology for Mr. Beaudoin. Can the Leader of the Government tell us when Mr. Beaudoin will receive an apology from the RCMP?

Hon. Jack Austin (Leader of the Government): Honourable senators, I cannot imagine a situation in which the RCMP, acting on information it believed was valid and having been given the authority by a judge to take action, raises the circumstance, in the Ms. O'Neill case, of any kind of an apology from the RCMP.

Senator Tkachuk: Can the Leader of the Government assure us that there will not be a further vendetta against Mr. Beaudoin, and that the vendetta against Juliet O'Neill will end now?

Senator Austin: I have no idea whether the word 'vendetta' or such actions has anything to do with these matters, but I can assure the honourable senator that this government will not have a vendetta with any Canadian citizen.

An Hon. Senator: What about Sheila?

Hon. Gerry St. Germain: Honourable senators, my question is for the Leader of the Government in the Senate. The honourable leader tells us that his government is not culpable of, nor are they, carrying on vendettas. Yet Mr. Vennat and Mr. Carle came right out of the PMO and went over to the Federal Business Development Bank. When François Beaudoin questioned the loans in which the former prime minister was implicated, therefore, these two gentlemen who had worked for the former prime minister, especially Mr. Carle, were right on the scene.

My question — and what British Columbians are asking, as are Canadians right across this country — is this: If the RCMP were utilized in this manner, or perceived to have been utilized in this manner — that may be a better way of putting it — then what is next? Could they possibly use CSIS, Revenue Canada, or the Senate, or anyone else, to get back at whoever is perceived to be an enemy of those who are in power? I think this is an important question, Senator Austin, because it is being raised. People are fearful of the abuse of power that has taken place across the way.

Senator Austin: Honourable senators, I do not believe that anyone could perceive that the RCMP is under political control or is acting under the direction of anyone in the government itself. The RCMP has the highest integrity and is acting as law requires it to act in judgement of the facts that it develops. I have heard no one in British Columbia question the integrity of the RCMP.

• (1440)

Senator St. Germain: Honourable senators, I do not think they are questioning, necessarily, the integrity of the RCMP. They are questioning the integrity of the PMO in utilizing and forcing the RCMP. With regard to the Airbus affair, it was clear that the RCMP acted on innuendo. Mr. Mulroney was paid \$2 million as a result of a witch hunt and an attack on his personality. They refused to withdraw the investigation in spite of the fact that they had not a single ounce of proof that Mr. Mulroney was involved.

When we look at the Vennat and Carle situation, it is an exact replay of the same thing; utilizing the RCMP in a political way. This goes against the grain of most Canadians. The minister may not have heard about it on the West Coast because, to be fair, he is quite busy here — maybe he has not been home enough — but I would like to hear his comments.

Senator Austin: When Senator St. Germain argues that the RCMP are being utilized, what he is saying is that the RCMP have no integrity. I absolutely refute the concept that there is any political direction to any of the work of the RCMP. It is just not the case. When questions are raised with respect to former employees of the Prime Minister's Office, they relate to their role in their post-employment situation, and the ministry has no responsibility for answering those questions.

Senator St. Germain: The honourable senator is saying that the ministry has no responsibility. Who has responsibility, then? To whom do these people answer when they take on these roles? When Jean Carle went over to the Federal Business Development Bank, who sent him?

Senator LeBreton: Who prepared the speaking notes?

Senator St. Germain: That is right. As Senator LeBreton just pointed out, who prepared the speaking notes? To whom do they answer? Do they answer to no one? Canadians want to know the answers to these questions. The standard Liberal line is, "We did not know what was going on." Well, someone must take responsibility. The buck stops somewhere. Where does the buck stop, Senator Austin? Tell us.

Senator Austin: It is very easy to tell you, Senator St. Germain. With respect to any behaviour of any employee of the Business Development Bank, Mr. Justice O'Connor has given his views. The consequences will flow therefrom, and they are civil consequences.

With respect to the question that relates to the behaviour of government employees or officers of the Crown, the Government of Canada has taken steps to initiate a judicial inquiry. The government has referred these matters to the Public Accounts Committee in the other place and the RCMP is conducting an investigation. I think every possible form of action that could be taken by the government to look into these matters has been taken. The results will be transparent and we will know what steps to take thereafter.

Senator St. Germain: Why is the Sûreté du Québec now investigating instead of the RCMP? Answer that question for me, sir.

Senator Austin: Very simply, honourable senators, the RCMP itself asked the Sûreté du Québec to look at one of the aspects raised in the Auditor General's report, namely, the funding that went from the communications branch, via whatever route, to the RCMP to allow it to produce musical rides. The RCMP, not wanting to be in a position to have one unit of the RCMP investigate another, asked the Sûreté du Québec, as the best arm's-length way of proceeding, to examine and report on that particular aspect.

Senator Tkachuk: Honourable senators, in the *Ottawa Sun* of February 15, in an article taken from the court transcripts and also from interviews with Mr. Beaudoin, it states that Vennat, who is a chairman of the board of the Business Development Bank and a good friend of the Prime Minister, wrote two separate letters to RCMP Commissioner Giuliano Zaccardelli: one asking the federal police to investigate Beaudoin for misappropriation of bank property during his tenure; the other claiming he was the source of the forged Grand-Mère document leaked to the *National Post*.

Is the Leader of the Government telling us that the government is taking no action against the chairman of the board to find out what really happened and why those actions were taken against Mr. Beaudoin?

Senator LeBreton: Or the commissioner for even seeing it.

Senator Austin: Honourable senators, at this moment I do not have any information with respect to what review is taking place of that particular judgment as it may affect any person who is directly the appointee of the Governor in Council. I will make inquiries. If I receive any information, I will be happy to provide it.

PUBLIC WORKS AND GOVERNMENT SERVICES

AUDITOR GENERAL'S REPORT— SPONSORSHIP PROGRAM—OFFICIALS INVOLVED

Hon. Jack Austin (Leader of the Government): Honourable senators, while I am on my feet, I want to provide the answer to a question asked by Senator Angus, something that I was reminded about by Senator Kinsella yesterday. I said that I would provide the answer yesterday.

I was asked, "What are the roles of Pierre Tremblay and Charles Guité?" Pierre Tremblay was the Executive Assistant to then Minister Gagliano for the period June 1997 and August 1999. He then became the Executive Director of the Communications Coordination Services Branch, CCSB, from August 1999 to September 2001. Charles Guité was the Executive Director of the Communications Coordination Services Branch. He was in that position from November 1997 to August 1999.

THE SENATE

UNITED STATES—PARTICIPATION IN MISSILE DEFENCE SYSTEM—REQUEST FOR DEBATE

Hon. Douglas Roche: Honourable senators, the Leader of the Government in the Senate will be aware that tonight, in the House

of Commons, a special debate is being held on the issue of the possible participation of Canada in the U.S. missile defence system. I want to ask the leader if he will consider having a debate in the Senate so that senators will have the opportunity of giving their views on this important matter. I hope he will not suggest that I should launch an inquiry. I am talking about a government-sponsored motion, for example, that would refer the matter to the Standing Senate Committee on Foreign Affairs, inasmuch as it is the Department of Foreign Affairs that is the lead department in the government on this matter.

Hon. Jack Austin (Leader of the Government): Honourable senators, my suggestion is that we await the outcome of the debate in the other place and see if there is anything we can add to it.

FOREIGN AFFAIRS

UNITED STATES—PARTICIPATION IN MISSILE DEFENCE SYSTEM—EFFECT ON POLICY AGAINST WEAPONIZATION OF SPACE

Hon. Douglas Roche: Honourable senators, on February 3, 2004, at page 26 of Hansard, the Leader of the Government said, in answer to my question concerning Canada's possible participation in the missile defence system, that:

It is abundantly clear that Canada has no intention of participating in a program that deals with the militarization of space.

The Prime Minister made a similar pledge on February 5.

Is the Leader of the Government aware that on February 2, the U.S. Missile Defence Agency submitted its budget request for money to start testing a space-based interceptor in 2005, which confirms the planned integration of the ground-based system with space weapons in 2012?

The U.S. plans are absolutely clear: Missile defence is headed for weapons in space. Will the government now state clearly that Canada will not violate its long-standing policy of no weapons in space and, consequently, not join the missile defence system? When the Leader of the Government suggests there is nothing new on this subject, there is something new of a substantive nature that ought to be debated here in the Senate.

Hon. Jack Austin (Leader of the Government): Honourable senators, it is my information, as I have said before, that we are holding discussions to determine what the U.S. missile defence program intends to achieve. We have made it clear, and I will make it clear again, that it is not the policy of the Government of Canada to participate, in any way, in a program that could lead to space-based missiles.

With respect to the current program that the United States is conducting, I am advised that the U.S. would like to deploy a missile defence system by the end of this year, which would be land- and sea-based only. We are now having some discussions about that program, but we have not yet entered into any negotiations nor made any decision as to whether or not we will participate.

• (1450)

The Honourable Senator Roche is quite familiar, I am sure, with the domestic debate in the United States as to whether a research program should go forward with respect to the space-based part of a possible policy. My information is that they are far from taking any decision in the United States at this time.

PRIME MINISTER

AUDITOR GENERAL'S REPORT— SPONSORSHIP PROGRAM—INVOLVEMENT

Hon. Consiglio Di Nino: Honourable senators, the Auditor General's report and the scandal identified by Ms. Fraser have had an impact, I believe, on all parliamentarians. I am sure honourable senators on both sides have been the recipient of the wrath of the public on this issue. I have to agree with some of the things I am hearing, and I wish to ask the Leader of the Government in the Senate a question.

Paul Martin was the finance minister during the HRDC debacle, when a billion-plus dollars of taxpayers' money went down the drain. He was the finance minister during the gun registry debacle, which cost Canadian taxpayers at least a billion dollars, if not more than that. He was there at the time of the decision to purchase the planes that those in the know said, "You do not need them; you should not take them." He was the finance minister. He has said that he does not know anything about the CSL situation, and now he is saying, "I do not know anything about this most recent disregard of taxpayers' money."

The question that I am being asked, and that I would like to pose to the Leader of the Government in the Senate, is this: If he did not know, should he not have known? Ought he not to have known what was going on?

Hon. Jack Austin (Leader of the Government): Honourable senators, this question of Senator Di Nino's is just a repeat of questions that were put to me last week, and in particular a question put to me by Senator Carney that I answered fully at that time. I will answer it briefly now because I know Senator Stratton likes succinct answers.

The succinct answer is that the Minister of Finance is not a microcontroller of the operations of a department or a program. He controls the process of the macroeconomy. He deals with the allocation of revenues to various government programs, and a completely separate system is supposed to deal with the administration of funds.

Senator St. Germain: The CFO of Enron is in jail.

Senator Austin: That is a stupid comment.

Senator St. Germain: It is not. He is the CFO.

Senator Austin: As it applies to this situation.

Senator Di Nino: Honourable senators, if this were happening in the private sector, there would be repercussions behind the debates and questions on the floor of the two chambers of the Parliament of Canada.

The question is this: Is Paul Martin competent? Is he able to do the job? That is the question.

Some Hon. Senators: Yes.

Senator Di Nino: Do not answer me; answer the public out there. Can this man do his job? Did he do the job that the taxpayers of the country were paying him to do, Mr. Minister?

Senator Austin: Honourable senators, of course he is the most competent person in Canada to be Prime Minister of Canada. Ultimately, the people of Canada will make that judgment in the next election.

Senator St. Germain: You bet.

Senator Di Nino: You are the leader. You go first.

Hon. Terry Stratton: Honourable senators, is the honourable leader saying that that is competency? Is he saying that Paul Martin deserves to be the Prime Minister because of his competency? He did not know about the billion dollars spent in the firearms registry for gun control; he did not know about the billion dollars wasted in the HRDC debacle; he did not know about the hundred million dollars' worth of aircraft that were purchased. That is competency?

Senator Kinsella: Competence.

Senator Austin: Honourable senators, the Minister of Finance does the job of the Minister of Finance. He cannot, as Minister of Finance, know everything that goes on in the Government of Canada.

In terms of competency, the people of Canada have held him in very high esteem as a Minister of Finance, probably the most successful Minister of Finance we have had in recent years, and the combination of Mr. Chrétien and Mr. Martin delivered great service to Canada in dealing with the deficit that was left to us following the Mulroney government years in office.

Some Hon. Senators: Hear, hear!

Senator Stratton: Honourable senators, perhaps Senator Austin, knows that there is a 43-point-something-billion dollar surplus in the EI account. How did Minister Martin get the deficit down? By the way, how much does the GST bring in yearly — a tax that he intended to get rid of? Tell me, how much?

Senator Austin: Honourable senators, let me just say I take note of Senator Stratton's point of view.

CITIZENSHIP AND IMMIGRATION

FOREIGN STUDENT VISAS OBTAINED THROUGH EDUCATIONAL INSTITUTIONS— MASTER LIST OF LEGITIMATE SCHOOLS

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate, and it deals with visa schools. Federal immigration workers warned last fall about the rapid rise in the number of so-called visa schools in Canada which provide an avenue for entry into our country for criminals and potential terrorists by selling them fake student documentation. They also take money from unsuspecting foreign students by charging them high tuition fees and offering little or no education in return.

Last month an internal government memo was released which states:

...most people worldwide would probably be surprised to hear that the Canadian government does not consider it important whether the school for which it issues student authorizations are bona fide educational institutions...

My question for the Leader of the Government in the Senate is this: Since this issue was initially raised last fall, what has the federal government done to ensure that schools listed on student visas are genuine?

Hon. Jack Austin (Leader of the Government): Honourable senators, my understanding is that the government has initiated measures to check credentials of schools, but these schools are, of course, given credentials by provinces. I recognize that there has been a problem, and a problem may still remain. I will pursue that line of questioning to see whether I can obtain any further information.

Senator Oliver: Currently, immigration officials cannot reject a student visa application based on his or her choice of school. Also, there is no master list of valid Canadian schools for officials to check when reviewing student visa applications. A national master list of legitimate educational institutions maintained by the industry and approved by the federal and provincial governments may provide a solution to this problem.

Last fall, the federal government said that it could do nothing in this matter due to jurisdictional issues, very much in the way that the honourable senator just alluded to, which does nothing to protect either foreign students or Canadians.

Will the federal government, in consultation with the provinces establish, a master list of legitimate Canadian schools for the purpose of reviewing foreign student visa applications?

Senator Austin: As I said, honourable senators, I will be happy to look into the question of what dialogue now exists between the federal government and the provinces to create such a master list.

A great deal of information is available now in the public domain with respect to universities. There are university associations, and there is accreditation given by universities and colleges in the country. The problem has existed with specialized schools that are, for example, English language schools or, particularly, business programs in hospitality, hotel management and so on. There are many legitimate schools around the country. However, as to the process of discovering which are and which are not legitimate and how active that process is today, I shall attempt to get that information and provide Senator Oliver with a written comment.

• (1500)

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

The Hon. the Speaker: Before going to Orders of the Day, honourable senators, I wish to introduce guests from the other place, through the page program.

Katrina Stewart, of Red Deer, Alberta, is pursuing her studies at Carleton University. Katrina is majoring in history.

Mahshid Frouhar of Pierrefonds, Quebec, is pursuing her studies at the Faculty of Social Sciences at the University of Ottawa. She is majoring in criminology.

Welcome.

Hon. Senators: Hear, hear!

ORDERS OF THE DAY

ELECTORAL BOUNDARIES READJUSTMENT ACT

BILL TO AMEND—SECOND READING— ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Smith, P.C., seconded by the Honourable Senator Robichaud, P.C., for the second reading of Bill C-5, respecting the effective date of the representation order of 2003.

Senator Robichaud: Question!

The Hon. the Speaker: Hearing no senator asking that this be stood, are honourable senators ready —

Hon. John Lynch-Staunton (Leader of the Opposition): It is a government bill. If they do not speak to it, then I will speak to it tomorrow, probably.

The Hon. the Speaker: "Stand," I think, is all we need.

Order stands.

SEX OFFENDER INFORMATION REGISTRATION BILL**SECOND READING—DEBATE ADJOURNED**

Hon. Landon Pearson moved the second reading of Bill C-16, respecting the registration of information relating to sex offenders, to amend the Criminal Code and to make consequential amendments to other Acts.

She said: Honourable senators, it is my privilege to rise on second reading to speak in support of Bill C-16. This bill provides police with a new tool to investigate sex offences and to find the predators and bring them to justice.

[Translation]

Bill C-16 contains proposals in response to a unanimous request by the provincial and territorial governments that the federal government establish a national registry for sexual offenders. An agreement was reached on the registry in a relatively short time, the federal, provincial and territorial governments having worked closely together.

[English]

For several years, honourable senators, provincial justice ministers have pressed the federal government to create a national sex offender registry, particularly for child sex offenders.

Targeted federal measures to protect children from sexual predators began in Canada in 1994, after broad consultations with partners and stakeholders. Subsequently, the Solicitor General, along with ministers of justice and health, launched the national screening system for persons in positions of trust with children and other vulnerable groups. This system allows the screening agency to access criminal records on the Canadian Police Information Centre, better known as CPIC, through police agencies.

The screening system was further enhanced in August 2001, when the Criminal Records Act was amended to ensure that even the records of pardoned sex offenders could be accessed for screening purposes.

Today, CPIC provides Canadian police agencies with access to criminal history records and other police information supported by fingerprints. Direct access to CPIC information is strictly limited to accredited law enforcement agencies, but, as I have said, it can be accessed for child protection screening purposes.

However, CPIC is not without its limitations. For example, CPIC's current capacity to provide an up-to-date address or other pertinent information is limited because offenders who have completed their sentences are, of course, no longer under supervision and therefore are not required to report to authorities. In addition, CPIC does not have the capacity to search its holdings by address or offence, a feature that would greatly assist police in their investigations of crime.

On March 13, 2001, the House of Commons voted overwhelmingly in support of a motion calling for the federal government to create a national sex offender registry. In

supporting the motion, former Solicitor General MacAulay stated that we have a proven and reliable sex offender registry now but are committed to going even further. The Solicitor General indicated that the CPIC database could be enhanced by adding information on the current address of individuals as records for sex crimes, as provincial and territorial officials requested.

At the September 11, 2001, meeting of Ministers of Justice in Nova Scotia, the Solicitor General announced upgrades to the CPIC database so that the current addresses could be included and updated.

Honourable senators, this new sex offender database is intended to improve the ability of police to quickly locate sex offenders who live or work near a crime scene by enabling searches by current address, by offence or by name. This is precisely what the provinces and territories requested.

Once agreement was reached on the development of the database, we held further consultation with provincial and territorial ministers and senior officials. They asked us to help create a truly national system under federal legislation.

Subsequently, at a meeting of federal-provincial-territorial ministers of justice on February 13, 2002, the Solicitor General and the Minister of Justice announced that they would make their best effort to bring forward federal legislation mandating the registration of sex offenders. The only stipulation was that any plan brought forward would need the support of all jurisdictions.

Honourable senators, we continued to work together, and two years later the legislation is before us. The national consensus is that the legislation should be enacted as soon as possible.

The registration system being proposed is comprised of three components, namely, the federal legislative framework, an electronic sex offender database maintained by the RCMP, and administration and enforcement of the legislation by all police agencies in their areas of jurisdiction. The registration system will allow police to quickly consult the registry, to search its contents using established criteria and to develop possible sex offender suspects in the vicinity of the crime.

Honourable senators, allow me to take a moment or two to describe the main highlights of the legislative framework set out in Bill C-16.

Offenders who are convicted of a sex offence listed in the Criminal Code will be required to register with police within 15 days following the issuance of an order by the court or following release from custody. Thereafter, they will be obligated for at least 10 years, and often for life, to remain registered with police. This means that they will have to notify police of any change of address or name within 15 days and will have to report in person annually to renew or update information entered on the registry. Failure to do so will constitute a criminal offence punishable by up to two years in prison on second offence and up to \$10,000 in fines.

When offenders report to police, as they will be obligated to do under the proposed legislation, they will be required to provide information such as current address, telephone number, place of employment, date of birth and the like. They will also be required to disclose any distinguishing marks and tattoos and may be photographed and fingerprinted. On subsequent visits to the police registration centre, they will be required to update information about them contained in the registry.

Honourable senators, the government understands that Bill C-16 will have an intrusive impact on the lives of those who will be subject to registration, in some cases for life.

• (1510)

However, let me assure honourable senators that this proposed legislation respects Charter and constitutional limitations and provides adequate safeguards on the rights of Canadians while providing police with an effective investigative tool.

The registration system that is being proposed is consistent with principles of justice and the Charter of Rights and Freedoms and will ensure the fair treatment of persons subject to the registry through a series of balancing measures.

The requirement for an offender to register can occur only by judge's order in a hearing, where the offender has the right to counsel and the right to be heard. The presiding judge will have discretion to refuse Crown applications for registration orders based on the grossly disproportionate test already provided for in the Criminal Code for DNA Identification Act orders.

Application for a registration order must be made at the time of sentencing and registered offenders will have the right to apply for a review of their status after 20, 10 or 5 years, and/or when they have received a pardon.

Registered offenders will have the right to appeal a registration order as well as the right to review their data within the sex offender database and to request corrections.

Honourable senators, this government is equally concerned that public disclosure of registration information might drive offenders underground to conceal themselves and their whereabouts. The offenders' effort at concealment is not only dangerous in the short term, but also it destroys efforts at rehabilitation.

The fear of identification may encourage offenders to move out of a particular province and away from any community supports they may have. For these reasons, access to registry data, except by authorized persons for authorized purposes, is strictly prohibited in this bill and criminal penalties are provided for the misuse of the data.

In other jurisdictions that operate sex offender registries, public access has often led to misuse and misunderstanding that mistakenly alarms the public, sometimes even resulting in acts of vigilantism. Consequently, there is no provision in Bill C-16 for public access to the registry.

In closing, honourable senators, sex offender registries should only be regarded as a public safety tool developed in order to reduce the risks to children and to other citizens from sex offenders by facilitating investigations.

We must understand that no measure within the criminal justice system exists in a vacuum, sex offender registries included. We must recognize that sex offender registries have not proven to be a panacea against sexual violence in jurisdictions that have them. The offender who chooses to evade registration, in spite of the risk of a fine or imprisonment or for failure to register, may still be susceptible to detection by good old-fashioned police work.

A successful approach to reducing recidivism by sex offenders will require an effective, multi-faceted approach that includes a series of measures at various stages in the criminal justice system.

[Translation]

Honourable senators, Bill C-16 follows up on the unanimous recommendation of provincial and territorial premiers and justice ministers. It also addresses a concern shared by all that every effort be made to protect our children, and vulnerable adults as well, from sexual predators who might want to harm them.

I urge the honourable senators to pass Bill C-16 so that it can take effect as soon as possible.

On motion of Senator Di Nino, debate adjourned.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Trenholme Counsell, seconded by the Honourable Senator Massicotte, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the Third Session of the Thirty-seventh Parliament.—(8th day of resuming debate)

Hon. Viola Léger: Honourable senators, in their responses to the Speech from the Throne, Senators Poulin and Banks eloquently focussed on the vitality of the artistic contribution to Canada and its importance to this country. Yesterday, in his brilliant argument in favour of preserving our cultural heritage, Senator LaPierre stressed the place culture holds in our historic heritage. Given my active participation in the arts, I am particularly pleased and proud to hear these comments on the excellence and the influence of our cultural life. It is always very gratifying for artists when the importance of their contribution gains this kind of recognition.

Canadian artists are abounding in inventiveness and originality. Some even feel there has never been so much cultural activity at any other time in the history of Canada. The formidable talents of our creative Canadians have been given recognition and added renown through one prestigious reward after another. With every awards ceremony, the impressive list of Canadian winners continues to grow.

We recall, for instance, the double victory at the latest Cannes festival, as well as the Oscar nomination, for Denys Arcand's *Barbarian Invasion*. A similar path was followed by Zacharias Kunuk's *Atanarjuat — The Fast Runner* — with its totally Inuit cast.

Then there is the magic of Cirque du Soleil, which continues to amaze and delight audiences. On the musical front, we have Diana Krall and Céline Dion, who rank among the most famous and admired singers in the world.

In theatre, dance, literature, in all forms of artistic expression from the most classical to the most avant-garde multi-media presentation, the horizons of our creative geniuses continue to expand well beyond our borders.

[English]

All cultures are made up of a system of codes by which a society reminds itself of what it has been, what it is, and what it aspires to become. These reminders are found throughout artistic creation. That is what the arts do, as well as being the most enjoyable way of finding out how others live their lives.

Like individuals, societies want to preserve their identity. Through art and culture, we preserve human expression, exchange, dialogue and creation. We preserve our identity. Culture is our colour and identity. Culture is the soul of a people.

Canada's solid reputation for artistic creativity has raised awareness all over the world of the richness of our history, our heritage and the diversity that is so important to us.

Through our cultural achievements, we demonstrate on the global stage that Canadians express themselves mainly in English and in French, but also in a multitude of Aboriginal languages. Our art in its various guises proves that in Canada we are not limited to one mode of feeling but that we are capable of sharing the whole range of human emotions, despite linguistic and racial differences.

Therefore, it is no exaggeration to say that Canada's creative artists and performers, and our cultural undertakings, are among our best ambassadors on the international scene.

[Translation]

The positive effects of this explosion of artistic talent are not limited to expanding Canada's reputation throughout the world. It is a known fact that a solid and flourishing artistic sector constitutes an essential component of a healthy community on all levels.

As Senator Banks said in his speech on February 13, cultural activity is a spur to the economy, through the considerable revenue it generates and the opportunities it makes available. Every year many tourists are attracted to our festivals, museums, art galleries and artistic performances.

[Senator Léger]

• (1520)

Furthermore, international visitors attending our cultural events are likely to take a favourable image of Canada back home with them. Without a doubt, the arts have a positive effect on our economic performance.

Artistic creation is a place of reflection, escape, inspiration, entertainment and comfort. Art moves us to laughter or tears, and helps us to discover things, develop our imagination, see the world differently, and reflect and meditate on the human condition. Art brings balance into our lives, lifts our spirits and allows us to live and breathe. Without beauty and laughter, we cannot survive.

[English]

There is a tenacious prejudice that art is a useless frill, but let us think for a moment about what we would be without such sources of inspiration and distractions as books, films and plays. What would we do without painting or dance? How would it be possible to live and die without music? Music softens the rough edges of our behaviour and uplifts us in dark times.

Honourable senators will remember in the film *Titanic* the scene where, as the ship was sinking, the musicians continued to play so that the passengers could face their fate. In the film *The Bridge on the River Kwai*, when the bridge was on the point of giving way, the soldiers went to their deaths valiantly whistling.

In the Senate chamber our surroundings are ideal for the work we do. We owe this to the skill of the artists who created the panorama of striking images that make the walls of the chamber less austere. All the beauty in this room and this building is the end product of the vision of gifted creators.

The cultural sector is just as important as the other sectors of activity. It is just as vital as national defence. History shows us that our culture, and the men and women who devote themselves to it, constitute one of our most precious natural resources. We are delighted by the successes that our best-known artists enjoy, but do we pay enough attention to the conditions in which the whole arts community has to live and work and create?

Let us free our minds for a moment and listen to this poem by Thompson Hughes:

Rake the sand from your eyes
and collect it in an hourglass
so you can lie awake and count
every liquid minute dripping
from the leaky faucet hours
every melted hour dropping
from the moon's candle glow
and in your room,
the awful din of silence
beats like windswept ice
pellets against your window
roars like North Atlantic waves
crashing into the hollow space
that was once filled with the
slow, placid rhythm
of another sleeper's breath.

[Translation]

There is good reason to wonder whether we are always aware of the great sacrifice made by these human beings who produce the marvellous creations of which we are so proud. Sometimes I think not, when I see how underfunded culture is. Public spending on culture falls far short of expectations and even farther short of what is needed.

Everyone knows that the situation of artists — of most artists — is very difficult. Many of them are still unable to earn a decent living on the strength of their art alone. Despite the goodwill of the authorities, the greatest danger facing artists today — and surely tomorrow if nothing is done — is the lack of support. I urge the federal government to respond as quickly as possible by improving assistance for the artists of today, who are often living in difficult conditions. The success of some should not make us blind to the straitened circumstances of others. There are still some who are barely making ends meet.

As I was saying earlier, Canadian creators and interpreters are riding a wave of success. I am convinced that each of us hopes that this success will continue unabated. I sincerely hope that we continue to move forward. But for that to happen, we must invest in the future.

This is not to say, however, that the current explosion of talent happened by chance. In the recent past, these artists received training through the generosity and deep commitment of the great educators often found in classical colleges. Then, in 1951, the Massey-Lévesque Report provided the framework that led to the emergence of several generations of gifted, innovative and independent Canadian artists.

Unfortunately, times have changed, and there have been budget cuts...

We must protect our talent and encourage people to take up the calling. We must provide a framework for creativity in school by introducing young people to the arts and providing training for our most talented young artists. Much work has been done in schools to train young people. But, very often, having been awakened through education to art appreciation, they cannot afford to advance any further. The federal government must prepare the succession by ensuring that our young people between the ages of 20 and 30 will be able to carry on this great tradition.

[English]

Governments must provide basic arts training, and it must be solid training, with the best teachers. Governments must really believe in the value of culture and must ensure that it survives by giving it the support it deserves. It is important to inject money into promoting culture, as so many European countries do. However, there is more involved than simply increasing culture's share of general expenditures.

The Prime Minister promised in the Speech from the Throne to work with parliamentarians to modernize our arts and cultural policies. I applaud him for this commitment. In my opinion, a revision of our cultural policies is necessary for two reasons. First, we are today confronted with a virtual reality whose scope and intangibility place it beyond our control. More and more the world is marching to the beat of the information and communication technologies, particularly the Internet. Our era is one of organizational and technological innovation, and it is important that we adapt our cultural policies to the formidable digital era. The Government of Canada, in partnership with the other levels of government, must make sure that the Canadians of today receive an arts training that is worthy of our forebears, but adapted to our time.

Second, it is obvious that our era is being shaped by globalization, and globalization's watchwords are: competition, laissez-faire, the withdrawal of government, profitability, the superiority of the market, consumption. Taken to its logical conclusion, this trend can only result in the commercialization of all sectors of activity. We must be vigilant. Culture must not become merchandise, and the government must see that it does not.

• (1530)

It is up to us to adjust our approach so that it takes into account the reality of the 21st century, marked by a giddy, universal spin towards materialism, immediacy and speed. Such an adjustment can only be made by redefining and strengthening the foundations of our cultural pillars.

The Hon. the Speaker *pro tempore*: Honourable senators, I must advise Senator Léger that her time has expired.

Senator Léger: May I have leave to continue?

The Hon. the Speaker *pro tempore*: Honourable senators, is leave granted?

Hon. Senators: Agreed.

[Translation]

Senator Léger: Honourable senators, I urge governments to adopt a vision of Canadian culture in the 21st century in order to achieve a balance with such unbridled consumerism. This new policy should reaffirm culture as essential to life.

The Government of Canada will never be able to say too much about this vision or about how important the arts are to Canada. Our aim must extend beyond globalization and materialism.

The government has a duty to put creators in the forefront and, together, Canadians will make a contribution to modern-day civilization.

I want to give Acadian poet and filmmaker Léonard Forest the last word.

J'ai planté partout mes jardins de liberté,
il y pousse parfois des fleurs menacées,
blanches surtout,
fleurs d'humanité,
je ne sais où les aller pleurer.

J'ai semé partout mes jardins d'avenir,
il y pousse parfois des fleurs inespérées,
blanches surtout,
fleurs d'amour,
A leur coupe, je ne sais qui boira.

J'ai planté partout mes jardins de joie,
il y pousse parfois des audaces nues,
blanches surtout,
fleurs d'été,
quand tu viendras, j'y dormirai.

[English]

Hon. Consiglio Di Nino: Honourable senators, during the debates on the Speech from the Throne, I heard many wise comments, and I hope that mine will add a different perspective and be of some value.

I will deal primarily with two issues: The effects of terrorism on the daily lives of citizens, and the failure of Canada, and other developed countries, to truly help to improve the suffering of the millions of people in the developing world. I believe that these two problems are linked and that neither is adequately addressed in the Speech from the Throne.

In the Speech from the Throne, the word "terrorism" is hardly used. It is only mentioned in a few sentences near the end of the speech. It seems to me to be an afterthought in the Prime Minister's agenda. Certainly, the Prime Minister has put a new "super minister" in charge of our security. A good symbolic move, perhaps, but does this ministry have the resources and authority to address the real causes of the problem, or is it simply window dressing? On the other side, are there risks of creating more and more elements of a police state? This whole issue deserves a more thoughtful and reflective discussion.

The global terrorist threat is a well-established fact. Sadly, in every corner of the world, a normal way of life now includes living with the threat of terrorism and its consequences. It is my belief that, in most of the world, the consequences may be more invasive than the risk of potential acts of terrorism.

I recently had the opportunity to attend and participate at the Assembly of the Council of Europe. Vigorous debate took place on a report called "Terrorism: a threat to democracies." The report suggests that the preventive measures undertaken to safeguard societies, including restrictions on our activities,

invasion of our privacy and lifestyle changes, may become the norm rather than the exception. An example of this is airline travel and the invasive nature of security checks, and the cancellation of flights because of security concerns.

As we all know, legislatures around the world have enacted laws that restrict rights and privileges and invade the private spaces. Some new laws have had greater consequences in certain parts of the globe. This has resulted in stereotyping, which has also led to profiling. Many examples of this have been widely reported globally, including in Canada.

Another disturbing consequence is the application and enforcement of terrorism laws enacted to eliminate, or at least lessen, the occurrences of terrorist acts. For example, we are all well aware of the horrifying breach of civil liberties recently perpetrated by the RCMP in the search for information related to the Arar case. To swoop down on the offices of *The Ottawa Citizen* and the home of reporter Juliet O'Neill would have been unthinkable just a few years ago. The actions of the RCMP have been described as a gross abuse of power and have created quite a controversy. Happily, parliamentarians of all political stripes, and indeed many eminent Canadians, have condemned the RCMP and are demanding a review and/or repeal of the legislation passed in response to the events of September 11, 2001, which gave the police the authority to conduct such raids.

Plenty of anecdotal evidence also exists about police harassment in many democratic countries around the world, based on unfounded suspicions. There are numerous reports that some countries may be violating people's rights and liberties under the pretext of combating terrorist threats. Yes, honourable senators, sadly, terrorism has created, and continues to create, a threat to our democratic rights and has permanently changed the way that we live. Unless we defeat this human cancer, humanity as we know it may indeed be at risk.

Terrorism is an enormously difficult problem and, as safe as we try to make ourselves in "Fortress North America," we will never conquer it unless we better understand and tackle its root causes. Some of these root causes are poverty, ignorance and lack of education. I know that some of you will disagree with me and will tell me that Osama bin Laden is very wealthy, or that the Middle East is awash in oil. You may be right. However, the foot soldiers forming cells in Indonesia or in Mogadishu or in Canada cannot be dismissed that simply. Poverty is not the only cause of terror, but it is one of the ingredients that fuel it. Our policies on international aid, which I view as inadequate window dressing, add fuel to the fire.

In this constantly shrinking global village, it is impossible to isolate ourselves from the problems of poorer nations. Poverty and lack of education leave the citizens of these countries vulnerable to the influence of dictators, terrorists, criminals and the like. An empty stomach, honourable senators, is more easily tempted.

We are affected in other ways. The developing world is less able to protect itself from health problems, which today are easily transported to the rest of the world at enormous costs to our economies. Surely a better-funded and administered development program would reduce the incidence of global health crises. Make no mistake: Even if there were no link between terrorism and poverty and the health of Canadians, I believe the humanitarian response of the Western world would still be insufficient. It is mainly window dressing. It shames us and needs to be fixed.

Most of the developed countries are far from achieving stated goals and targets with respect to international development aid, and that includes Canada. We have seen some improvement in the past few years but, like most of the rest of the world's nations with the resources and capability of doing more, we fall woefully short in responding to the dire needs of poorer nations. One has to question our political will when confronted with the fact that more than 50 nations are worse off today than they were ten years ago. I would make a strong argument that our failure to share our economic success with those in need costs us much, much more in the long term.

The issue of human development was recently, once again, put at the top of the global agenda when 189 heads of states and governments, including Canada, signed on to the millennium development goals at the UN Millennium Summit in New York in September 2000. The millennium goals aim to halve the number of poor people, get all girls into schools, put an end to child and maternal mortality, fight HIV/AIDS and ensure sustainable development. Canada is a signatory and has pledged to institute policies that will help meet these goals.

• (1540)

Unless Canada and other developed nations take the lead and do their part, particularly in funding this initiative, it will prove to be yet another empty or, at best, half-empty promise to appease our collective conscience.

The solution to the underfunding of aid programs is not overly difficult to find. We the developed nations need only look into mirrors where both the identity of and the solution to the problem will be found. Increasing aid contribution will not by itself lead to a total solution. Throwing money at the problem will not fix health care here at home and it certainly will not fix the problem of poverty and sickness abroad.

The structure of aid programs and their delivery are also wanting. Too often, aid is seen from the viewpoint of donor nations. Much of it takes the form of what is called "tied aid," meaning contributions with strings attached, strings that substantially reduce the benefits of the aid to its recipients. Also, aid must be better monitored to ensure that it gets to those most in need, especially women and children, usually the most disenfranchised.

A more difficult part of the solution is protecting aid contributions from corrupt officials, criminals and combatants in local conflicts. Much stronger support must be given to the

organizations charged with the responsibility of delivering aid, those on the front lines. Otherwise, as we have too often seen, the aid just lands in the hands of corrupt officials or is used to wage war.

Finally, I firmly believe that good aid programs are those that lead to self-sufficiency. Good programs will help break the dependency and lead to independence from handouts, such as providing tools and education to build sustainable economies. This will also lead to a significant reduction in asylum-seekers, another global problem that too often has tragic consequences.

Yet the Speech from the Throne and the Prime Minister's reply to the Speech from the Throne say little about these problems. The Prime Minister simply says that we want to make our international development approach "contemporary." It says our international assistance must "reflect our values."

What does that mean? I do not know. I have no idea.

A recent *Toronto Star* column referred to our development budget as anaemic. Nothing in the Speech from the Throne indicates that there will be any meaningful change in that. Canada's overseas development assistance of \$2.46 billion in 2003 represents 0.22 per cent of gross national product. In 1992, it was 0.45 per cent, double what it is today. The UN's global goal is 0.7, a mark the government has repeatedly stated it intends to meet but never quite gets there.

Development data is not enough to solve the problem of poverty itself. Perhaps the most fundamental and most controversial action required of us is the creation of real trade opportunities for developing countries, particularly in agriculture. To achieve this, we must adjust our thinking on tariffs, non-tariff barriers and the export and internal subsidy programs that tend to distort the marketplace and make poorer nations uncompetitive. Rich countries' subsidies, such as the European Union's common agricultural policy and the American farm aid program — which President George Bush just increased by 80 per cent — together cost over \$300 billion U.S. per year. These subsidies and those of other nations keep millions of human beings in poverty, too many of whom starve to death every day.

Does it make sense that the European Union and the U.S. alone subsidize their farmers over \$140 billion while total foreign aid of the two entities is less than \$50 billion? Canada, in principle, supports the elimination of these subsidies. We are members of the CAIRNS Group of 17 countries lobbying for an end to these subsidies; yet, the Speech from the Throne barely mentions it. Instead Canada has played a part in derailing the talks that could lead to progress in this area. The last time Canada had an opportunity to raise this issue was during the Doha development round WTO talks in Cancun last September.

Our then Minister of International Trade, Pierre Pettigrew, led our delegation. He was asked to facilitate talks on the so-called Singapore issues. These are issues that, though worthy in their own right, should not — in the view of the developing countries — be part of the trade negotiation that had promised to focus on the issues and desires of those developing countries.

Many believe that they were placed on the agenda at the insistence of the European Union in order to turn attention away from the agriculture issues. We understand from reports that our minister vigorously pushed for the inclusion of these issues. Eventually, the talks broke down over this.

I am not suggesting that all the blame lies with Canada or our minister. However, it shows that our priorities and our resources were not where they should have been, if indeed we are serious about helping the poor of our world. The Speech from the Throne and the Prime Minister's reply provided a tremendous opportunity to highlight a problem like farm subsidies. It would not have been difficult to include a strong Canadian commitment to rectify the problem, even unilaterally, where possible, along with a commitment that the Canadian government would redouble its efforts at every international meeting to deal with this.

It will take enormous political will to change the situation, but it is a crucial component of ending the impoverishment of more than 2 billion human beings. We as Canadians are not strangers to political will. It was a Canadian Prime Minister, Mike Pearson, who revolutionized the way we deal with the misery resulting from conflicts by his bold idea to create peacekeeping.

The world needs another bold and principled leader to initiate a program to make the world a healthier and safer place for all of us. Prime Minister Martin had the opportunity to do just that and he failed.

In the meantime, millions of children continue to die every year from hunger. Shame on all of us. I would remind honourable senators of a statistic from the speech given by Senator Keon on February 12, the statistic that Senator Lynch-Staunton remarked should scare all of us. Senator Keon stated:

Today, as we sit in this chamber, 8,000 children will die of malaria in the underdeveloped world. These children could have their malaria cured for 3 cents U.S. or 5 cents Canadian. 8,000 children will die while we are sitting here today. Three million lives are lost every year through vaccine-preventable disease.

Honourable senators, the Speech from the Throne says some of the right things with respect to these issues, but talk is cheap. Canada needs to take a bold, courageous and principled stand and lead by example. That is the best way for us to "restore Canada's place of pride and influence in the world," just as Prime Minister Martin has promised.

Hon. Douglas Roche: I want to congratulate Senator Di Nino on a very fine speech.

Honourable senators, when Senator Graham gave his wonderful speech last night, he noted that that would be his last opportunity to give an Address in Reply to the Speech from the Throne. The inexorable movement of the clock is responsible. I, too, am in this unenviable position. After 33 years in public life,

years spent in the House of Commons, in diplomatic life and here in the Senate, the clock is dictating my exit. I do not think, Madam Speaker, that you will be able to "not see the clock" in this instance.

I wish to address that section of the Speech from the Throne that deals with Canada's role in the world and make some comments based on my experience. What we read in the Speech from the Throne was certainly uplifting and meritorious. One would not want to be churlish in responding to such elevated language as, "We want to see the benefits of global interdependence spread more fairly throughout the world."

Yes, indeed, Canada has the right intentions.

• (1550)

I say this not at all in sarcasm, for truly we live in a country blessed by God as surely no other place has been. I have been in every region of the world. I have walked through disease-ridden slums and shantytowns of Africa, Asia and Latin America. I have seen gaunt bodies, poverty, despoiled lands and the wreckage of Hiroshima. Every time I returned to Canada, I wanted to get down and kiss the ground.

When one looks at the actual conditions of much of the world, when one examines the alarming global statistics showing what is ahead, when one considers the scandalous amounts of money that are spent on arms in countries that lack adequate water and sanitation facilities, it is unthinkable not to be grateful for what we have in Canada. We should remember that in natural resources, minerals, land, forests, water, space, stable population base, industry, technology, in international reputation, in membership in every important world body, Canada holds a privileged position.

For most of my career, I have been going to the United Nations in one capacity or another, and I have always felt humbled by the esteem in which Canada is held. Yet, when we examine Canada's record — our deeds, not just our words — I find that our performance does not measure up to our ability. At the very moment when a world in turmoil needs the uplifting hand of leadership from a country that has it all, Canada looks inward. We are so torn with internal problems — buffeted by the conflicting forces of power, nationalism, greed, prejudice and crass politics — that we have not yet recognized the significance of this transformation moment in world history. We treat our problems as though we live in a separate world.

I was astounded not to be able even to find the words "the United Nations" in the Speech from the Throne. How can we possibly play a meaningful role in the world if we do not centre our foreign policy on the United Nations? By this, I mean our development policies, our disarmament policies, our environmental policies, our human rights policies. These are the pillars of global security and the Throne Speech should have given a new surge of energy to move Canada forward in adopting the UN strategies for peace.

Was this lapse only because the speech writer did not realize that United Nations Secretary-General Kofi Annan is coming to Ottawa on a state visit in March, which will be a truly historic occasion, or is the invitation to the Secretary-General only to put a little UN lustre on a new government's image?

If Canada wants to be true to what the UN and its outstanding Secretary-General stand for, the Martin government will put considerably more money into sustainable development, will work aggressively to rid the world of nuclear and other weapons of mass destruction, will support to the fullest extent the Kyoto Protocol, and will ensure that human rights are protected around the world, including the human rights of the prisoners the U.S. is illegally holding in Guantanamo Bay.

The terrorism of September 11, 2001, and the wars in Afghanistan and Iraq have brought about a new period of fear, confusion and a loss of a sense of direction. In this world, the best response to today's heightened vulnerability is for the United Nations to step up its life-saving work around the world: preventing and containing conflict, eliminating weapons of mass destruction, fighting poverty, reducing hunger, improving health care, defending human rights, protecting the environment and promoting democracy.

Taking a long-range view of world affairs, it is clear that the UN is still in its infancy. The focus should be on what it has and can accomplish, not what it has not. The UN is pilloried because it failed to stop the genocidal massacres in Rwanda in 1994 and in Srebrenica in 1995, but it is seldom credited with averting bloodshed in Lebanon, Georgia, Western Sahara, the Ivory Coast and many other places through its skilful use of mediation and negotiation. The UN has saved countless lives through developing and distributing affordable medicines, water supplies and sanitation methods. It has put the inherent dignity of each individual at the top of the international agenda. It has provided a catalogue of information on the interdependence of world systems never before available.

The agenda of the United Nations embraces all these steps and that is why Canada should support it. There is no better instrument to bring stability and security to the world than the United Nations. The way for Canada to exercise its values for peace and development is through the United Nations. We should be trumpeting and strengthening the United Nations.

Secretary-General Kofi Annan, the Ghanaian diplomat educated in the U.S., whose whole career has been spent in the UN system, personifies an artful and dextrous form of leadership in trying to implement this agenda I have described. Considering that the Secretary-General of the UN has no practical political power, it is remarkable that he has been so influential — so influential that he was awarded the Nobel Peace Prize a year or two ago. As *The New Yorker* magazine commented, "He controls no territory; he commands no troops; he cannot make or enforce laws; he cannot levy taxes; he exercises no administrative

authority outside the UN bureaucracy; and he hasn't even got a vote in its General Assembly or the Security Council." To put it plainly, the Secretary-General has nothing but his voice — but what a voice!

With the UN, Annan was awarded the Nobel Prize and he led the millennium celebrations at the UN with a special summit of world leaders for which he prepared a stirring document called, "We the Peoples: The Role of the United Nations in the 21st Century." Make globalization a positive force for all the world's people, he said, "instead of leaving billions behind in squalor. 'We must do more than talk about our future,' Mr. Annan said. 'We must start to create it now.'"

The leaders responded with a United Nations Millennium Declaration built on "fundamental values," which they described as freedom, equality, solidarity, tolerance, respect for nature, and shared responsibility. However, when it came to paying for the millennium goals, Canada and other wealthy nations kept their hands in their pockets.

• (1600)

Almost exactly a year after the declaration was adopted, this message of UN values received a defiant and horrifying rebuff in the September 11 attacks. Since then, tensions have escalated throughout the world and finally boiled over with the war against Iraq and are still boiling. Instead of moving toward the goals of the declaration, the world seems to be slipping into more conflict. This is precisely why the Secretary-General has said, "We have entered the third millennium through a gate of fire." In his speech accepting the Nobel Peace Prize, he said:

If today, after the horror of September 11, we see better and we see further — we will realize that humanity is indivisible. We must start from the understanding that peace belongs not only to states or peoples, but to each and every member of those communities.

Honourable senators, caught in the throes of one war after another, trying to balance the unilateral tendencies of the United States with the multilateral needs of the world community, determined to advance wide-ranging programs to build a culture of peace and supplement the culture of war, the UN valiantly holds up a candle of hope for the world.

So let us say, "Welcome, Mr. Secretary-General, to Canada," but let us accompany that welcome by reaffirming the United Nations as the cornerstone of our foreign policy.

Honourable senators, there is a lot of talk these days about whether Canada should participate in the U.S. missile defence system. Of course, Canada should not. The missile defence system is, as Canadian Nobel laureate John Polanyi has said, "a treadmill to weapons in space." A new nuclear arms race is a certainty if missile defence goes ahead.

This is not what Canadians want. Canadians want an end to nuclear weapons, not more of them. The Canadian government, in voting in support of the principal UN resolution of the New Agenda Coalition, can help build a bridge to a safer world. The government must seize its courage and strengthen the Non-Proliferation Treaty at the 2005 review by speaking out and acting vigorously.

This is what the United Nations is trying to do. The UN needs Canada to help the world and the militaristic nations put aside the culture of war.

The Hon. the Speaker *pro tempore*: I regret to inform that the honourable senator's time has expired. Does he wish leave to continue?

Senator Roche: Yes.

The Hon. the Speaker *pro tempore*: Is leave granted?

Hon. Senators: Agreed.

Senator Roche: Honourable senators, Canada needs the UN. We cannot tackle the huge problems in the world alone, but we can strengthen the one world body that is dedicated to building a culture of peace. Canada is needed in the world. We have the capacity to respond. Let us show in the forthcoming foreign policy review that we have the will.

Hon. Laurier L. LaPierre: Honourable senators, it is a little bit difficult to address this chamber on the Speech from the Throne after the three magnificent speeches that have just been delivered and the others that have preceded them over the past two to three weeks.

However, three points arise, two directly from the Speech from the Throne and one out of the spirit of the Throne Speech.

The first has to do with culture and multiculturalism. I know that honourable senators are getting tired of my yapping, as much as I can, about the fact that in not establishing a committee on culture and heritage the Senate is not living up to its responsibilities. The Speech from the Throne invites all Canadians and the government and the instruments of government to bring to bear the new technological possibilities of the digital age in an effort to reflect Canada's regional diversity and multiculturalism. The government must work with parliamentarians to modernize our art and cultural policies and our federal cultural institutions. This is an engagement in the name of the people of Canada, and the Senate will be absent because it does not have the instruments necessary to bring about concrete assistance to this question of culture and heritage.

Honourable senators, the cornerstone of our country, which is expressed through its art and culture, as Senator Léger so magnificently pointed out, and our contribution to the world that both Senator Di Nino and Senator Roche pointed out, is vested in the idea and in the value of multiculturalism. That is the essence of the being of Canada. That is its history since the beginning of its time. That is its contribution to mankind.

The multicultural aspect of our country, the management of multiculturalism and the living of multiculturalism is the envy of the world. It points out to the world that Canada knows what is valuable in having become the refuge of mankind, in having over 150 different nationalities in our country speaking all kinds of languages and living all sorts of cultures. All of this is done in harmony, with a fundamental acceptance of the right of people to be who they are, individually as well as collectively. That is the lesson we have brought to the world and it is the lesson that we must continue to give. Multiculturalism is what it is all about.

Eight months from now, I shall leave this august place to take my retirement, to do what I really want to do, which I have not been able to do here; that is, to establish the foundations of a centre for the study and propagation of multicultural values in the world. I want to devote the rest of my life to the pursuit of the acceptance of multiculturalism. Every culture, no matter how small or large, is fundamental to the harmony of the world. I may have several thousand years in which to accomplish my goal, or I may have only one. It does not matter. What is important is that my heart must be there to be able to achieve this awareness, this acceptance of the validity of the only instrument in the world that can bring harmony to the nations of the planet — multiculturalism. The Speech from the Throne asks Canadians to live that ideal, to promote it and to accept it.

Honourable senators, after I have left this place, I have no doubt that you will create a committee to study culture and heritage. If I die before you have established such a committee, I will haunt you until you are all gone forever, and then some.

• (1610)

The second thing I want to talk about, arising out of the Speech from the Throne, is the passages that deal with Aboriginal Canadians.

Aboriginal Canadians have not fully shared in our nation's good fortune. While some progress has been made, the conditions in far too many Aboriginal communities can only be described as shameful. This offends our values. It is in our collective interest to turn the corner. And we must start now.

The Speech from the Throne goes on to state:

Our goal is to see real economic opportunities for Aboriginal individuals and communities.

That includes Metis and the Inuit people. That is a noble task. It is an important task for our country. We have paid considerable lip service to it, yet we have not achieved what we meant, perhaps, in our hearts to do because we have been either diverted or too selfish in the pursuit of our own agendas.

It seems to me that by realizing section 35 of the Constitution Act, 1982, we shall be able to fulfil what the Speech from the Throne invites us to fulfil. Section 35 of the Constitution Act, 1982, relates to the rights of the Aboriginal peoples of Canada. It states:

(1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

(2) In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.

(3) For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.

(4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

All we have to do is fulfil this constitutional provision of our country, honourable senators. All we have to do is live by section 35 of the Constitution Act, 1982. In that way, we shall repair the ravages of history which have not been caused by the native people, which have not been caused by the trees, which have not been caused by the water, which have not been caused by the resources, but which have been caused by people like me and my ancestors and others who have occupied this land since 1608 and 1542 when Newfoundland and Labrador came into being and were recognized by the world.

It seems to me, therefore, that we must achieve this dream and do so as soon as possible. It is not because the native people depend upon us. They can very well find their way. They existed on this land for thousands and thousands of years. They had done pretty well in the process of that existence. It seems to me that what we did was impose our capacity upon their capacity, and now we have to reverse the history that we have lived and brought to it.

On the subject of multiculturalism and the Aboriginal people, I should like to tell honourable senators of a magnificent project which is being launched on Victoria Island. There will be created on Victoria Island an opportunity for Canadians to be able to share the vision of the native people. It is the creation by Douglas Cardinal of a Victoria Island Centre. William Commanda is one of the elders we consulted in 1990 for the development of the Victoria Island concept. It was his wish, and the wish of the elders present, that Victoria Island be a visible Aboriginal presence in Canada's capital. Since then, Commanda and other elders have continued on with the committee in establishing a circle of forgiveness and healing on this historic gathering place where they came together to chart their path throughout their long history. It is the site where Algonquin chiefs met with Queen Victoria's representatives, who presented each one of them with medals and remuneration for sharing the resources of the land. It was on that land that Queen Victoria promised that they would take only the pines from the Ottawa Valley for their tall ships and would leave everything else untouched for the Algonquin people. The great-grandfather of William Commanda, an Algonquin elder

and keeper of the Seven Fires Prophecy Wampum Belt, was one of the Algonquin chiefs at this ceremonial occasion. As inscribed in the sacred wampum shell in the 1400s, it is time to re-establish the meeting circle of the Algonquin people on this site of Victoria Island. It is essential to house the wealth of their knowledge that has been passed down from their ancestors.

The people believe the creator placed them in this area to protect, respect and live in harmony with all the creator's handiwork — the earth and the animals who give them life, the trees and the rivers for food, transportation and protection, and the plants that provided food and medicine to heal them. They knew they had to share this place with all living beings, the water, the rocks, the trees, the plants, the animals, as well as to live in harmony with all of humanity. They knew that, and this is what they want to do. Victoria Island will become the symbol of that dedication to the harmony among us.

Last, I would like to talk about something that arises out of the spirit of the Speech from the Throne, and that is same-sex marriage. Every Canadian is entitled to the benefit of the law. No Canadian can be denied the benefit of the law. The word "marriage" creates a benefit to those who are lucky enough to be the right people to have it, and those of us who are not lucky enough, because of our sexual orientation, cannot share in the benefit of the law. I am telling you that this is not right. I am telling you that this is not necessary. A majority cannot alter the rights of a single human person. It cannot, and never should be allowed to do so.

Consequently, at this time of our existence as a people, we have a group of our citizens who are being denied the benefit of the law. A civil union is not marriage. A civil union contains no benefits whatsoever except the practical benefits that are given, according to the law, to common law marriages and such matters. The word "marriage" brings about a statement of national human acceptance of certain values of belonging, of sharing, of loving and of being together. When you deny that interpretation and deny that reality to those of us who happen to be gay, the end result is that you are denying us a fundamental right which you yourself have, you who are straight, whatever that means. To deny that to us means that you enjoy a benefit which you deny me at the end of the day.

Therefore, before I retire from this Senate in eight months from now, I would like to have corrected this situation by making marriage the union of two persons to the exclusion of all others.

Hon. Ross Fitzpatrick: Honourable senators, it gives me great pleasure to rise today to respond to the Speech from the Throne because it is a speech that articulates a blueprint for the government's agenda. The speech highlights the government's goals of strengthening our social foundations, building a strong 21st century economy and ensuring that our place of pride and influence continues on the world stage. The direction it sets is clear.

• (1620)

First, I wish to say that I am pleased to observe that the government has signified its intention to maintain a course of action that ensures that all Canadians continue to benefit from the previous 10 years of hard work in achieving a balanced budget, a reinvigorated economy and a renewed sense of national unity. The current government's proposals also continue our tradition of balancing measures to encourage economic growth with actions to promote social justice.

Second, the emphasis on health care in the Speech from the Throne is particularly important. Health is an issue of growing concern to all Canadians, especially in the Okanagan region of British Columbia, which has roughly 3.5 per cent of the provincial population but more than 5 per cent of the provincial population of those over the age of 65. An aging population, changing demographics and expensive technology have combined to make health care truly a top-of-mind issue. Thus, it was gratifying to hear the Governor General state: "The Government is committed to this goal: universal, high-quality, publicly funded health care, consistent with the principles of medicare, as set out in the Canada Health Act," and that "every Canadian have timely access to quality care, regardless of income or geography — access when they need it."

The Prime Minister's recent confirmation of a \$2 billion health care transfer to the provinces and territories for this year, pledged by his predecessor the Right Honourable Jean Chrétien, is a crucial first step in meeting this vital long-term commitment, but it is just that — a first step. I am confident that other steps will be taken.

Given the limited time available to me today, honourable senators, I should now like to focus on the areas of the Throne Speech that are of particular interest to British Columbia and to the people of the Okanagan-Similkameen whom I represent.

I turn first to the issue of regional and rural development. I wish to emphasize the promise in the Throne Speech "to ensure that farmers are not left to bear alone the consequences of circumstances beyond their control." I am sure that I do not have to remind honourable senators of the devastation borne by residents of the British Columbia interior as a result of last summer's severe drought and unprecedented firestorms. There still exists a real and immediate need for substantial financial assistance so that farmers, ranchers, loggers and mill workers can recover from the overwhelming losses arising from these horrendous natural disasters.

I would encourage the government to provide financial disaster assistance recovery agreements with the Province of British Columbia, along the lines of those provided the Provinces of Ontario and Quebec following the January 1998 ice storm that caused so much damage to the economies of those two provinces.

There is much that Agriculture and Agri-food Canada, Industry Canada and Natural Resources Canada can do to assist the recovery efforts in British Columbia. Recovery and rebuilding are

essential preconditions that must be met before there can be any hope of improving and expanding the economy of the afflicted regions in accordance with the vision for economic progress articulated in the Throne Speech.

Honourable senators, in the Speech from the Throne the government also pledged to support economic development through its regional agencies where the focus must be on strengthening the sinews of an economy for the 21st century and building on indigenous strength.

In this regard, I commend the government for upgrading the status of Western Economic Diversification Canada to that of a full ministry. Western Economic Diversification is a highly visible example of the government working with and for Western Canada by delivering programs and policies that are responsive to the economic and social circumstances of western communities and that help the Western Canadian voice to be heard. The new status of Western Economic Diversification, however, must be accompanied by an increase in funding to ensure that it continues to be an effective and successful instrument of government policy in the West.

I shall now turn now to the Throne Speech pronouncements on sustainable development. The promise to safeguard our natural environment is as welcome as it is imperative. It is beyond question that the protection and preservation of our natural environment is vital, both for today and for tomorrow.

Honourable senators, we should all be happy to see the reiteration of the government's commitment to the Kyoto accord on climate change. Having said that, I would also remind the government of previous promises to ensure the inevitable burdens associated with implementing the accord be shared equally so that no one region or sector of the economy is disproportionately affected. I believe the government can and should honour our Kyoto commitments. I am encouraged by its determination to even go beyond Kyoto to strengthen our environmental stewardship.

The concept of green, sustainable economic progress has a special resonance with the Okanagan-Similkameen. My home district is blessed with a wonderful climate, beautiful geography and diverse but fragile ecosystems. With federal government help through Western Economic Diversification, the National Research Council and Industry Canada, we have created an Okanagan partnership of business, education, government and community leaders, supported by our regional and provincial governments, to pursue economic progress while being guided by a plan for green, sustainable economic development. We understand that only by achieving a balance of environmental, social and economic activities will we guarantee the sustainability of our natural resources, improve our quality of life and reach our full economic potential.

Honourable senators, I would encourage the government to strive for a paradigm shift in which economic decisions are informed by environmental considerations.

Turning now to the Throne Speech emphasis on science and technology, I applaud the government's plan to appoint a national science adviser. In the next generation economy, more than ever before, there will be an inextricable link between science, technology, innovation and economic progress.

As I have indicated, the Okanagan has been preparing for the next generation economy by actively promoting partnership amongst business, educational institutions and all levels of government. We believe in a collaborative, regional approach to economic development with a focus on innovation. We realize that the most dynamic economies consist of related industries growing and maturing in close geographic proximity. These clusters or high concentrations of similar businesses with related products or services, suppliers and supporting economic foundations provide a fertile environment for collaboration, constructive competition, and innovation. In turn, this stimulates the creation of new business. Help is required to transport ideas and innovation to the marketplace. The Throne Speech promise to enhance the venture-financing capabilities of the Business Development Bank is especially well suited to my region, as it promises to provide vital early-stage financing and the capacity to commercialize exciting new ideas.

I wish to comment now on the Throne Speech commitment to Aboriginal Canadians. In my home territory, the Okanagan Nation Alliance is comprised of seven bands spread over tens of thousands of acres. The Okanagan-Similkameen Indian bands are important stakeholders and an integral part of our economy.

Honourable senators, I have said elsewhere that people are this country's greatest asset, and that means all the people. The Speech from the Throne explicitly recognizes that Aboriginal Canadians have not been fully able to participate in our country's good fortune, and it proposes to redress this situation.

• (1630)

I commend the government for establishing the new Cabinet Committee on Aboriginal Affairs to be chaired by the Prime Minister personally, together with a Parliamentary Secretary on Aboriginal Affairs and a dedicated secretariat in the Privy Council Office. The government has also pledged to work with First Nations to improve governance in their communities by establishing an independent centre for First Nations government.

This should not, however, be a substitute for action. I urge the government to proceed with legislation to place governance back on the legislative agenda and to ensure that it is thoroughly and properly debated and enacted.

Last week, Bill C-11, to give effect to the West Bank First Nations Self-Government Agreement, was introduced in the other place, and I hope that it will reach this place with dispatch. It is an historic agreement that provides the West Bank First Nation with the tools it needs to make decisions over its own

affairs, and it demonstrates that the government's approach to negotiating self-government partnerships with First Nations produces real and sustainable results.

The additional promise to renew the Aboriginal Human Resources Development Strategy is essential because it is only by improving education and skills development that individuals can put themselves in a position to fully participate in all the opportunities that Canada has to offer. Aboriginal Canadians deserve equitable access to all the opportunities and the same chances as other citizens to enjoy a better quality of life. I also hope that the government will not lose sight of the very successful economic development program, as it played such an important part in providing opportunities to First Nations and contributing to our economy.

Finally, honourable senators, I would be remiss if I did not register my concern with the government not dealing with Senate reform in its proposal for democratic reform. I see no way that we can really deal with the issue of democratic deficiency in Western Canada if we do not take steps toward an equal and elected Senate. This goes to the heart of Western alienation and needs to be dealt with.

In closing, honourable senators, I would like to draw your attention to the recently announced decision to honour our former Prime Minister by naming the proposed legislation that will provide low-cost anti-HIV/AIDS drugs to African countries the Jean Chrétien Pledge to Africa Act. I think that is a very appropriate tribute.

Hon. Gerry St. Germain: Will Senator Fitzpatrick take a question?

Senator Fitzpatrick: Yes.

Senator St. Germain: The final part of Senator Fitzpatrick's statement with regard to Aboriginals was tremendous but, although I can support the initiative with regard to Africa, I am not sure about the naming of it.

I recently met with people from the Nicola Band near Merritt, B.C. Their economic situation is similar to that of numerous Aboriginal bands across this country. It is fortunate that in your area some of the native bands have very successful stories. Some, such as the West Bank band and others, have gone into the wine industry.

In my conversation with the people of the Nicola Band, I asked them why they have not become the economic generators and job creators that they should be. Their immediate response was that it is due to interference from the Department of Indian Affairs and Northern Development. From the very beginning, DIAND told these people what to do, destroyed their lifestyle and destroyed their ability to be self-reliant.

Senator Fitzpatrick will always have a lot of influence on that side. In addition to working toward Senate reform, which I applaud, would he be prepared to consider a true reassessment of DIAND in order to get rid of that empire that has undermined, through residential schools and a litany of other things, the lifestyle of our Aboriginal peoples and made them totally welfare dependent? This is what they told me. The systems introduced by DIAND have made them welfare dependent and destroyed their society.

Would Senator Fitzpatrick be prepared to work with us to rid ourselves of the empire that has virtually destroyed our Aboriginal peoples?

Senator Fitzpatrick: Honourable senators, I made reference to the establishment of the centre for Aboriginal governance. I went further and said that more than that needs to be done. We need to enact legislation that will allow some of the things that Senator St. Germain is speaking of to give Aboriginals the opportunity to manage their own affairs.

In the meantime, in my traditional territory — as I tell my Indian friends — we have had great success involving the seven Okanagan Nation Alliance bands in the Okanagan partnership and the overall activity of the Okanagan-Similkameen area. A cluster study is being done. Four outstanding Indian band members are acting as stewards and two Indian band members are acting as co-chairs of some of the clusters. Two of the chiefs of the Okanagan Indian bands are involved as well.

I see the advantage to Indian bands of being able to harness these opportunities to manage their own affairs. I hope that we will strive for the provision of self-governance for Aboriginals right across this country.

Hon. Charlie Watt: Honourable senators, two weeks ago the Speech from the Throne was given. Before I reply to it, I would like honourable senators to note that on February 10, 2004, this government announced a federal surplus of over \$5 billion.

I am particularly pleased that our Prime Minister, the Honourable Paul Martin, has stated that the Government of Canada would like to acknowledge the full participation of Aboriginal Canadians — Inuit and First Nations — in the national life of this country, not only on the basis of their historic rights, as mentioned in the Speech from the Throne, but as the first inhabitants of this land.

This government openly and willingly accepts the challenge to improve the life of Aboriginal people and their communities, be they northern towns and settlements or reserves, or Aboriginal peoples living in urban centres and rural regions.

One of the goals also mentioned in the speech is to seek real economic opportunities for Aboriginal communities. However, before this, I believe, as stated in the Throne Speech, that the

government should focus on education and skills development, and the Aboriginal Human Resources Development Strategy is a good beginning.

The acknowledgment of a practical solution for the Inuit, Indians and Metis responding to the unique challenges faced by Aboriginal people in the labour force is indeed welcome as we look for innovative ideas such as apprentice programs. If we were to look at the university education for Aboriginal people, we must also look at statistics that show that 15 per cent of Canadian adults have university educations but among Aboriginal people, the figure is 2 per cent. Getting young native people into university programs should also stand among Canada's highest priorities. A greater opportunity for our Aboriginal children to acquire an education and other workforce skills needed to succeed must be provided.

• (1640)

A further road to assist in the success of northern and Inuit-specific programs requires access to financing. I am pleased that this government has said that we want a Canada with strong social foundations whereby Canadians, families and communities have the tools to find local solutions to local problems.

In part, the goal is also to ensure that our social foundations are linked to improving the health of all Canadians. When we look to our northern natural environment, healthy bodies and healthy children become the responsibilities that we hold today and for the future of tomorrow.

The 10-year \$3.5 billion program to clean up the contaminated sites for which the government is responsible is long overdue, and I applaud the government for showing its initiative and its respect for the commitments to the Kyoto Protocol on climate change. It is refreshing to know the government is committed to ensuring that all Canadians will have clean water, clean air and the resources needed for safe drinking water in the northern Inuit communities as well as on First Nations reserves. Toxic chemicals and other pollutants carried by the wind have contaminated our northern waters and environment so severely that Health Canada had issued a warning to restrict the intake of our traditional Inuit diets. Studies show that our food sources such as caribou, seals and fish have dangerously high levels of contaminants from the southern factories. Climate change is no longer simply a discussion because it is a reality; the Inuit in the North experience this change first-hand. The Speech from the Throne outlined not only critical northern issues but also a commitment to ensure that opportunities will be available in the northern economic and resource development strategy.

Honourable senators, Aboriginal Canadians need to be a part of the economy of the 21st century, with well-paying and meaningful jobs. A partnership between those who were born and live in the North and the business interests of the south is very important when it comes to economic development in the areas of energy and mining. Northerners need to be part of what is taking place in the North.

We must have a voice in our destiny. Yes, we are the Inuit, but we are also a part of this great country. For my First Nations and Metis brethren, this is also true. We are all part of this land we call Canada. The Inuit, First Nations and the Metis — all Aboriginal Canadians — have not fully shared in our nation's good fortune. The conditions today still call for needed improvements.

In the Speech from the Throne, this government made a strong commitment to Aboriginal people by creating a more focused cabinet committee. The challenge for Aboriginal people is to take the government to task and to work together to achieve better opportunities that would strengthen Canadian values and the Canadian way of life and that would give all Canadians — Aboriginals and non-Aboriginals — a goal to achieve together.

Prime Minister Paul Martin has set an ambitious agenda to put our country on this path by saying that a nation's social and economic goals are inseparable. A brighter future for Aboriginal communities is not only necessary for Aboriginal Canadians but also a challenge for Canada to become a greater nation.

I am encouraged that this government says it will work with its partners, with Aboriginal people, on practical solutions to respond to unique hurdles that must be overcome. Greater economic self-reliance for a better quality of life must be an achievable goal. The shameful conditions of some Aboriginal communities do not live up to Canadian community standards. This, too, must be overcome.

The Magna Carta of Indian rights — the Royal Proclamation of 1763 — assured that Aboriginal people would always have a unique constitutional position in Confederation. In addition, section 35 of the Constitution Act, 1982, recognized and affirmed the existing Aboriginal and treaty rights of Canada's Aboriginal people, defined as Inuit, Indian and Metis.

Despite the difficulties encountered by Aboriginal people, many Inuit, Indians and Metis still want to participate in the building of Canada. We need the opportunity just as non-Aboriginal people need opportunity.

Much has been said about the democratic deficit in the House of Commons. There, too, Aboriginal democratic deficits exist. According to the Royal Commission on Electoral Reform and Party Financing, Aboriginal voting participation rates in northern Canada, where Aboriginal politicians are visible and heard, surpass 75 per cent. In Kahnawake, right next door to Montreal, the turnout of voters in the federal election is zero per cent. In New Zealand, despite such controversy and some apathy among Aboriginal voters, guaranteed representation for Maoris currently in place serves as a lever for joint policy-making for the government. These forward-looking precedents assist in the continuation of the livelihood and culture of the Maori.

When the Government of Canada says that it is committed to a more coherent approach to Aboriginal issues, I believe the statement offers a renewed hope in the spirit of coexistence and

acknowledgement of the different needs of the Inuit and First Nations people. Canadians need a government that helps to shape the course that leads the way and that engages us in the building of our future together.

The new deal is for communities that are facing unprecedented challenges, often without sufficient resources or tools. Northern municipalities have similar issues to their southern counterparts, but the costs of maintaining services are extraordinarily high. In many northern communities, our food costs are over 200 per cent higher than what many take for granted in the south of Canada. The role of hunting is a much-needed undertaking to feed Inuit and northern families. A northern strategy with Inuit-specific programs would go a long way in addressing basic family needs and concerns.

In conclusion, honourable senators, the Speech from the Throne is like our Northern Lights: It is a beacon to show us the way. However, words are not enough and action is needed. Nakurmik.

On motion of Senator Rompkey, debate adjourned.

• (1650)

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Kinsella, for the second reading of Bill C-250, to amend the Criminal Code (hate propaganda).—(*Honourable Senator LaPierre*).

Hon. Laurier L. LaPierre: Honourable senators, having read the debates from the beginning of the presentation of this bill, I have come to the conclusion that I have nothing to add to it that will be of any value to anyone, except the usual things that I always say. Consequently I would like the burden to be lifted from my shoulders. If you would allow me, I will pass that burden on to Senator Joyal, who will deal with it.

The Hon. the Speaker: Are you rising to speak, Senator Cools?

Hon. Anne C. Cools: Honourable senators, I am not too sure what Senator LaPierre means when he says "pass it on to Senator Joyal." In this chamber, one must speak for one's self. If Senator Joyal speaks now, that will have the effect of closing the debate, but there are other senators who wish to speak to this bill. I would be willing to move the adjournment of the debate. Can Senator Joyal clarify?

Hon. Serge Joyal: Honourable senators, I am ready to speak now. As we know, the procedure in our house is such that once I have spoken, debate will be concluded.

Hon. Herbert O. Sparrow: Honourable senators, if Senator LaPierre has made his few remarks, I move the adjournment of the debate.

The Hon. the Speaker: It is moved by the Honourable Senator Sparrow, seconded by the Honourable Senator Adams, that further debate be adjourned to the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: The matter is not debatable so we are ready for the question. I will put the question.

It is the motion of Senator Sparrow, seconded by Senator Adams, that further debate be adjourned to the next sitting of the Senate.

Those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the "yeas" have it. The motion is passed, on division.

On motion of Senator Sparrow, debate adjourned.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, items numbered 2, 3 and 24, which appear consecutively on our Order Paper, are pending Speaker's rulings. I intend to give rulings tomorrow on all three of those matters. There are, in effect, two rulings.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Marjory LeBreton, pursuant to notice of February 12, 2004, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology have power to sit at 3:30 p.m. on Wednesday, February 18, 2004, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Some Hon. Senators: Explain.

Senator LeBreton: Honourable senators, this committee has been charged with the responsibility of dealing with the newly numbered bill, Bill C-6. It was previously Bill C-13. On

Wednesday, tomorrow, the first witness before our committee is the minister. It is very difficult to schedule the minister's time, so I would therefore request that this motion be approved.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, as is the practice of the house, when a committee has a minister available, we usually grant permission to that committee to sit even though the Senate is sitting. That is why I was happy to second the motion.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Marjory LeBreton, pursuant to notice of February 12, 2004, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology have power to sit at 3:30 p.m. on Wednesday, February 25, 2004, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, perhaps could I ask for an explanation of this motion as well.

Senator LeBreton: Honourable senators, I do not have another "minister rabbit" to pull out of the hat for the following Wednesday.

• (1700)

As all senators know, this is a very controversial piece of legislation. We have many witnesses who are anxious to appear. It is a heavy workload that the Senate committee is undertaking. We were simply putting this motion down in the hope that the past practice of the Senate would allow us to meet at 3:30 in order to properly schedule all the witnesses who want to be heard on this crucial piece of legislation.

Senator Rompkey: Honourable senators, there have been conversations on both sides and agreement on both sides on the process, and I would support the motion.

Hon. Eymard G. Corbin: I simply ask that all committees be given fair and equal treatment when they request earlier sittings than the adjournment of the Senate. I thought I heard comments to the effect that the regime applicable on Wednesdays would perhaps be changed one way or another. No committee is more important than another. One of the committees on which I sit — the Standing Senate Committee on Foreign Affairs — has often been denied permission to sit before the adjournment of the Senate. I am only asking for equity.

Senator Rompkey: There have been conversations on the Wednesday time of adjournment, honourable senators. I believe very soon we will be making a motion to establish a routine for Wednesdays.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators will recall that we have tried to deal with Wednesday's adjournment in a variety of ways, having various degrees of success. One formula was that we would simply attempt to finish our work by 3:30, and Senator Robichaud was effective most of the time but it was not an exact science.

Senator Hays, when he was Deputy Leader, had a formula whereby on Wednesdays a motion was deemed to have been made that we adjourn at 3:30 but if there was a vote, we must come back for the vote at five o'clock or 5:30 p.m.

Senator Rompkey and I have been discussing this problem, and it is a problem. We know that it has to be solved because all committees, as Senator Corbin has just pointed out, have the same issue — all those committees, that is to say, that sit when the Senate rises on a Wednesday, but the Wednesday one is special. We should be sitting until six o'clock and coming back at eight o'clock and we sit at 1:30, and the attempt had been to make Wednesday a short day, and then the Thursday sitting at 1:30 has its own history.

The suggestion we have been exploring is whether or not the Hays formula might be tried again, but rather than having the adjournment at 3:30, we make it four o'clock. Therefore if the government brings in that kind of motion, I believe it would find favour on our side.

Hon. Michael Kirby: Honourable senators, I would just say on behalf of Senator LeBreton and myself that if that sort of agreement comes into effect, we would effectively deem this motion to say four o'clock even though it now says 3:30. That is to say, we would not start until four o'clock if that was the agreement between the two sides.

Senator Rompkey: Honourable senators, I want to address Senator Corbin's point because it is an important one. I want to assure him that it is our intention to treat all committees fairly and the discussions have been along those lines. Senator Kinsella has pointed out that four o'clock has been suggested. I think the issue needs a little more discussion before we put it in place but I would hope that we could move quickly on that, and it would have the effect of treating all committees in the same fashion.

The Hon. the Speaker: Are senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Richard H. Kroft, pursuant to notice of February 12, 2004, moved:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Richard H. Kroft, pursuant to notice of February 12, 2004, moved:

That the Standing Senate Committee on Banking, Trade and Commerce have power to engage services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as referred to it.

Motion agreed to.

The Senate adjourned until Wednesday, February 18, 2004, at 1:30 p.m.

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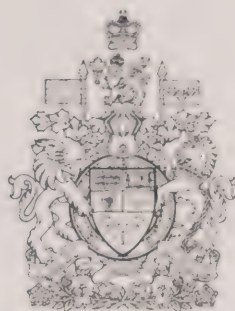
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OFFICIAL REPORT
(HANSARD)

Wednesday, February 18, 2004

THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Wednesday, February 18, 2004

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

"ACCOMPLISHMENTS" OF LIBERAL GOVERNMENTS

Hon. Gerry St. Germain: Honourable senators, Senator Bryden has done an excellent job of listing the "accomplishments" of the Conservative Party in the past, and now I will list some of the "accomplishments" of the Liberal Party in this statement.

We have the GST flip-flop to start off with; the Airbus investigation; voting against the Red Book promises of an independent ethics commissioner; the gun registry, which has cost billions of dollars and was supposed to cost \$2 million; problems with the Transition Job Funds program; the Radwanski affair, whose appointment I voted against, by the way; the Pearson airport fiasco; Irving fishing lodge stays and travel on Irving jets by ministers and MPs; Mr. Martin travelling on private corporate jets as Finance Minister; the sponsorship scandal, which is right before the country and before every citizen, including the RCMP investigations of Communications Coffin and Groupaction, and the possible investigations of the Quebec wing of the federal Liberal Party; the Shawinigate affair; the Liberal fundraiser, Pierre Corbeil, charged with fraud by the RCMP after he approached several Quebec companies seeking federal job training grants and asking for payments to the Liberal Party; former minister Gagliano's son benefiting from contracts from his father's department; Gagliano's former speechwriter, Michèle Tremblay, on a \$5,000-a-month retainer with the Canada Lands Company to provide speeches for the minister. Former president John Grant let her go, saying, "We got nothing in return." Grant claimed that all Crown corporations reporting to Mr. Gagliano were told to put Ms. Tremblay on a monthly retainer.

The purchase of the new Challenger jets for the Prime Minister, without any tenders — shameful; Liberal friends appointed as IRB judges being investigated by the RCMP; Hedy Fry's imaginary burning of crosses in Prince George; Lawrence MacAulay and the Holland College case; Art Eggleton and contracts to Minister Eggleton's ex-girlfriend; Copps' aide Boyer's spending habits — the list goes on.

These are great "accomplishments." Collettte resigns for breach of ethical guidelines involving a letter he wrote to the Immigration Refugee Board; the APEC inquiry; Minister Rock giving a Health Canada contract to a car cleaning company; Manley lobbying CIBC on behalf of Mr. Rod Bryden; Manley's

fundraiser, suggesting donors to his leadership write it off as a business expense — again, the list goes on.

Honourable senators, I think that Canadians have a right to know each and every one of these things, and we will be reminding them come the next federal election.

Senator Robichaud: I am sure you will. That is the only thing you will be able to say. No program.

PRINCE EDWARD ISLAND

COMMERCIAL AIR TRAVEL

Hon. Elizabeth Hubley: Honourable senators, commercial air travel to and from Prince Edward Island became a little easier and more affordable on February 5 with Prince Edward Air's introduction of regular passenger service between Charlottetown and Halifax. The airline's new schedule includes three return flights Monday to Friday, and two daily flights on Saturday and Sunday, enabling timely connections with CanJet, Jetsgo, WestJet and Air Canada regularly scheduled flights into Halifax International Airport.

Prince Edward Air, with its head offices in Charlottetown, is not a newcomer to the skies of Atlantic Canada. It is a well-established and respected regional air carrier that has been operating throughout the Atlantic region since 1990, with a deserved reputation for customer satisfaction resulting from on-time performance and client-centred service.

In addition to its new passenger service, this dynamic little airline also provides air charter, medical evacuation, and dedicated cargo and courier services from New York City to Labrador, from St. John's, Newfoundland to Hamilton, Ontario, and just about everywhere in between. Prince Edward Air, honourable senators, operates a fleet of 15 aircraft, and has about 100 employees including pilots, engineers, technicians, administrative support personnel and agents, making it one of Atlantic Canada's home-grown industry leaders in aviation.

Honourable senators, commercial air service in Atlantic Canada has deteriorated badly in recent years; and just a few months ago, Air Canada reduced its daily flights between Charlottetown and Halifax, making it more difficult for local business travellers and others to reach destinations within and outside the region. Now, Prince Edward Air, a locally owned and operated company, has come along to fill this under-served market with dependable, comfortable and affordable commercial passenger service.

I want to congratulate this Island company and its president, Mr. Bob Bateman, for their enterprise and initiative.

NOVA SCOTIA

FLAG DAY CELEBRATIONS
AT DIGBY REGIONAL HIGH SCHOOL

Hon. Donald H. Oliver: Honourable senators, I am pleased to rise today to report to you on a magnificent afternoon I spent with the students of the Digby Regional High School in Nova Scotia on February 16, to celebrate Flag Day. The town and the municipality of Digby joined the school and the students in this important celebration. It began with a procession led by the Digby RCMP Legion Colour Guard and guests, and we were welcomed by the master of ceremonies, Mr. Richard Levy. Elder Agnes Potter of the Bear River First Nation led us in seven prayers, and greetings were brought by MPs, MLAs, the Mayor of Digby, the warden of the Municipality of Digby and others.

• (1340)

I reminded the students that it was a cold, blustery day 39 years ago that Canada's distinctive red and white Maple Leaf flag was first raised over Parliament Hill in Ottawa and in hundreds of communities large and small across this country. I told the students that in the days leading up to the flag's proclamation by Her Majesty Queen Elizabeth II, it was the late George F.G. Stanley who stated:

A flag is more than a means of identification. It is the embodiment of what a country stands for. It is the symbol of the ethos or spirit of a people, its hope, its aspirations, its will to live and its determination to play its role in history.

I reminded the students that around the world the Canadian flag flies at our embassies, at our businesses and is stamped on the food that we give to other countries. It is emblazoned on the arms of our soldiers' uniforms and stitched on the backpacks of our travellers.

Honourable senators, I told the students that, as a group, Canadians are a rainbow of the world's people. Together, we seek out a common path for the future under the flag. When we look at the present, we can think about the role that the flag plays in our daily lives and we can think about how each of us upholds the virtues of the Maple Leaf, be it at home or abroad. As Canadians, we can lead and make great contributions to the world.

In conclusion, honourable senators, the more than 250 students, from grades 9 to 11, who were in attendance were reminded by me that the Maple Leaf flag is such a familiar sight as it flies over fishing outposts, bustling cities, prairies, farms and Arctic tundra. We see it daily and yet so seldom take the time to look at it against the vastness of the skies with the realization that its clean, bold lines speak of our shared citizenship, our sense of common purpose and our sense of community.

Honourable senators, it was a great honour for me to participate in this important ceremony with our national flag that reminds us all of our tolerant, peaceful and blessed peoples.

ROUTINE PROCEEDINGS

RULES, PROCEDURES AND
THE RIGHTS OF PARLIAMENT

SECOND REPORT OF COMMITTEE TABLED

Hon. Lorna Milne: Honourable senators, I have the honour to table the second report of the Standing Committee on Rules, Procedures and the Rights of Parliament, being a reprint of the *Rules of the Senate* dated February 2004.

THE SENATE

NOTICE OF MOTION
TO EFFECT WEDNESDAY ADJOURNMENTS

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I give notice that tomorrow, Thursday, February 19, 2004 I will move:

That, for the remainder of the current session, when the Senate sits on a Wednesday it do adjourn no later than 4 p.m.; and

That, should a vote be deferred on a Wednesday until 5:30 p.m. the same day, the Speaker shall interrupt the proceedings at 4 p.m. to suspend the sitting until 5:30 p.m. for the taking of the deferred vote, and during that intervening period committees may meet.

[Translation]

OFFICIAL LANGUAGES

BILINGUAL STATUS OF CITY OF OTTAWA
PRESENTATION OF PETITION

Hon. Jean-Robert Gauthier: Honourable senators, pursuant to rule 4(h), I have the honour to table, in this house, petitions from another 1,000 signatories, for a total of 28,840, asking that Ottawa, the capital of Canada, be declared a bilingual city, reflecting the country's linguistic duality.

The petitioners wish to draw the attention of Parliament to the following:

That the Canadian Constitution provides that English and French are the two official languages of our country and have equality of status and equal rights and privileges as to their use in all institutions of the Government of Canada;

That section 16 of the Constitution Act, 1867, designates the city of Ottawa as the seat of the government in Canada; and

That citizens have the right in the national capital to have access to the services provided by all institutions of the Government of Canada in the official language of their choice, namely French or English;

That Ottawa, the capital of Canada, has a duty to reflect the linguistic duality at the heart of our collective identity and characteristic of the very nature of our country.

Therefore, the petitioners call upon Parliament to affirm in the Constitution of Canada, that Ottawa, the capital of Canada — the only one mentioned in the Constitution — be declared officially bilingual, under section 16 of the Constitution Acts from 1867 to 1982.

[English]

VISITOR IN THE GALLERY

The Hon. the Speaker *pro tempore*: Honourable senators, I would like to draw your attention to the presence in the gallery of the Honourable Alvin Curling, Speaker of the Legislative Assembly of Ontario.

On behalf of honourable senators, I wish to welcome you to the Senate of Canada.

QUESTION PERIOD

INTERNATIONAL TRADE

TRANSPARENCY INTERNATIONAL INDEX— EFFECT OF CORRUPTION ON BUSINESSES

Hon. David Tkachuk: Honourable senators, my question is for the Leader of the Government, and it is about the transparency index. Transparency International ranks countries by the degree of corruption that is perceived to exist among public officials and politicians. Wesley Cragg, of Transparency International Canada, has said that the current sponsorship scandal would likely show itself in measurable terms when the annual corruption index is released next year. In the index released in 2003, Canada had slipped from fifth best in the world in 2000 to eleventh in 2003.

Honourable senators, this perception will make it harder for Canadians doing business overseas. Has the government any idea what the cost to businesses will be because of the latest revelations of corruption and wrongdoing?

Hon. Jack Austin (Leader of the Government): Honourable senators, that is an interesting question. As far as my international business experience is concerned, I would imagine that nothing happening in Canada today will, in any way, impair the credibility of Canadian businesses in doing business abroad.

Some Hon. Senators: Hear, hear!

Senator Tkachuk: Knowing the leader's business affairs in China, I am not surprised.

Some Hon. Senators: Oh, oh.

Senator Tkachuk: Honourable senators, last fall, the esteemed World Economic Forum said that Canada's competitiveness

ranking had dropped from third to sixteenth in just two years. The chief factor leading to the decline was the level of confidence held by business operators in the government's ability to limit corruption and bias in the public sector. This report came out before the sponsorship scandal broke wide open. Can the Leader of the Government in the Senate tell us if the government has any idea of the effects this growing culture of corruption will have on Canada's competitiveness?

Senator Austin: Honourable senators, I am not familiar with the report. I will take an opportunity to examine it in full before answering any further questions with respect to it.

In answer to Senator Tkachuk, I trust his opening sentence was not intended in any way to reflect in a negative fashion on me or on my business experience.

SOLICITOR GENERAL

POLICE INVESTIGATION INTO ALLEGATIONS OF IMPROPRIETY BY LIBERAL PARTY

Hon. Gerry St. Germain: Honourable senator, my question to the Leader of the Government in the Senate refers to the police raids on the B.C. legislature.

The minister in this place was part of the Martin team. The allegations are that there may have been illicit behaviour on the part of certain individuals in regard to funding that possibly could have gone through the Liberal party. Can the minister tell us what action will be taken in the event that these allegations are correct?

Some Hon. Senators: Oh, oh.

• (1350)

Hon. Jack Austin (Leader of the Government): Honourable senators, Senator St. Germain has been in a federal cabinet. As such, he knows very well that my responsibility here is to reply on behalf of the government, not on behalf of any other entity.

In respect of the rest of his question, it is so hypothetical that it belongs in dreamland.

PUBLIC WORKS AND GOVERNMENT SERVICES

AUDITOR GENERAL'S REPORT— SPONSORSHIP PROGRAM—INCIDENCES OF KITING CHEQUES AND FALSIFYING INVOICES

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. Last Sunday, the Prime Minister promised that the inquiry into the sponsorship program would "find out what happened."

Yet, at the same time, the Prime Minister is saying that people were kiting cheques and falsifying invoices. As a lawyer, the Leader of the Government in the Senate will know that kiting cheques and falsifying invoices are items that are caught by section 380(1) of the *Criminal Code*. Can the Leader of the Government in the Senate provide details of the particular incidences of cheque kiting that the Prime Minister was referring to?

Hon. Jack Austin (Leader of the Government): Honourable senators, the government has set up a process for determining the facts of those circumstances, as Honourable Senator Oliver is well aware. The RCMP is carrying out investigations. These questions can be raised in the Public Accounts Committee of the other place, and we will have a judicial inquiry. The Prime Minister is prepared to appear before the judicial inquiry. In good time, all the facts of those circumstances will be known.

I have no further statement to add on that topic at this time.

AUDITOR GENERAL'S REPORT—SPONSORSHIP PROGRAM—RELEASE OF CABINET DOCUMENTS

Hon. Donald H. Oliver: Honourable senators, the Prime Minister has said that no cabinet minister will be able to hide behind the tradition of cabinet secrecy. Can the Leader of the Government tell us if cabinet documents such as records of decisions or committee reports that are classified as secret will be subject to the Security of Information Act? Will those cabinet documents be laid before the public inquiry and the people of Canada?

Hon. Jack Austin (Leader of the Government): Honourable senators, both an oath of office and legislation apply to ministers of the Crown, as Senator Oliver well knows. I do not have a further answer to the question. The principle of the position of the government is that, to quote the Deputy Prime Minister in the other place, "We have nothing to hide."

Senator Stratton: Nineteen times.

Senator Austin: However, I will only say that once in this chamber.

AUDITOR GENERAL'S REPORT— SPONSORSHIP PROGRAM—DEPARTMENTAL AUDIT— INVOLVEMENT OF PRIME MINISTER

Hon. Donald H. Oliver: Honourable senators, in terms of what Prime Minister Martin knew and what he did not know, it is obvious from the Public Works audit released in the year 2000 that there were more than administrative errors relating to the sponsorship program. That report of almost 2,000 pages cites example after example of detailed and questionable billing practices by advertising agencies. This report was known within government circles then and was public knowledge by 2001. Does the Leader of the Government expect Canadians to believe that the Prime Minister did not hear anything about the scandal before the Auditor General's report?

Hon. Jack Austin (Leader of the Government): I beg the pardon of Senator Oliver. Would he please tell me to which report he is referring?

Senator Oliver: I am referring to the Public Works audit that was released in the year 2000. It is a report of about 2,000 pages and gives details of certain irregularities.

Senator Austin: Honourable senators, I wonder if the Honourable Senator Oliver is aware that the deputy minister at

that time said that, while there were administrative irregularities, there were no issues that related to other and more serious forms of actions.

FISHERIES AND OCEANS

FUNDS TO REBUILD SATURNA ISLAND DOCK

Hon. Pat Carney: Honourable senators, my question is directed to the Leader of the Government in the Senate and involves Liberal priorities in spending taxpayers' money. We know that the Liberal government has said "yes" to the \$250-million sponsorship program, the \$1-billion gun registry fiasco and the \$1-billion human resources boondoggle. Canadians should know what the Liberals have said "no" to.

In June of last year, the Saturna government dock burned down — cause unknown. It was the only public dock on the island, which is situated by the U.S. border. The dock was used by the community, for the school boat that takes children to middle school and high school, for medical, ambulance, telephone and hydro services, and for mail, newspaper delivery, police services, aviation traffic — a whole range of community uses.

DFO officials worked with the community to redesign the dock. However, I am in receipt of a letter from the Minister of Fisheries, Geoff Regan, wherein he writes that, unfortunately, no funds are available to rebuild the Saturna Island government dock.

Could the government leader explain to me, so that I may explain to my neighbours on Saturna, why the government cannot find the funds to rebuild a government dock when they have funds to pay their Liberal friends in the advertising business?

Hon. Jack Austin (Leader of the Government): Honourable senators, this is the first time that I have heard of the matter of the Saturna Island dock. I shall make inquiries with respect to that particular question and advise Senator Carney.

With respect to the last portion of the honourable senator's question, I consider it to be political dialogue and, as such, will not respond to it at this time.

Some Hon. Senators: Oh, oh.

Senator Carney: I know our party considered it a matter of political priorities on behalf of the Liberals.

In view of the response, I should point out that Saturna Island is now comprised of 60 per cent of the land mass in a national park. Visitors to this island now approach the island and see this huge, hulking, blackened, smelly ruin of a dock, which one could use — and this is a political statement — as a metaphor for Liberal hopes on the Pacific Coast.

Will the minister commit to working with his colleagues the Minister of Public Works and Government Services, Stephen Owen, and the Minister of the Environment, David Anderson, to find the money in this fiscal year to rebuild the government dock for that marooned community?

Senator Austin: Honourable senators, I recognize that Senator Carney is a resident of Saturna Island and knows the details of the issue that she is presenting to us. I shall repeat what I said in response to her first question: I am not aware of this particular issue, but I will look into it.

BUSINESS DEVELOPMENT BANK

MEETING BETWEEN OFFICIALS AND MINISTERS

Hon. Marjory LeBreton: Honourable senators, when the Leader of the Government in the Senate quoted the Deputy Prime Minister as saying, "We have nothing to hide," did he not mean, "We have nowhere to hide"?

My question is for the Leader of the Government in the Senate and it concerns the comments of the Auditor General about the Business Development Bank and its unethical actions in paying advertising agencies without contracts.

In a decision handed down recently by Mr. Justice Denis in the *Beaudoin* case, we learned that Jean Carle, then with the Business Development Bank, met with Minister Alphonse Gagliano, Minister Martin Cauchon, Minister Lucienne Robillard and Chuck Guité.

It is now obvious, thanks to the court testimony, that the sponsorship program was not a case involving just rogue bureaucrats, but that senior ministers were involved. Can the Leader of the Government tell us if Prime Minister Martin has asked his Minister of Industry, Madam Robillard, specifically what she discussed at that meeting?

Hon. Jack Austin (Leader of the Government): Honourable senators, I heard the very interesting "nowhere to hide" line used in the other place.

Senator LeBreton: I thought it was original.

Senator Austin: It is interesting to note that Senator LeBreton thinks it is worth copying.

On the question directly addressed to me — and not taking into account all the foregoing presentational material, which I do not adopt by not referring to it — I will say that I am not aware of the question. I am not aware of what request has been made to the Minister of Industry with respect to the *Beaudoin* lawsuit. I am not sure that I will be able to answer Senator LeBreton's question at a later time.

• (1400)

QUEBEC SUPERIOR COURT RULING EXONERATING FORMER PRESIDENT

Hon. Marjory LeBreton: Honourable senators, it is very clear from the testimony what Mr. Carle said. Chantal Hébert has outlined it succinctly in today's *Toronto Star*. My supplementary question is: Mr. Justice Denis, in his judgment in the *Beaudoin* matter, was particularly harsh in his criticism of the behaviour of BDC employees, especially Michel Vennat and Jean Carle.

Can the Leader of the Government in the Senate tell us if the government condones the actions taken by the BDC employees against Mr. Beaudoin, and if not, what specific measures have been put in place to prevent another vendetta taking place?

Honourable senators, "vendetta" is Mr. Justice Denis' word, not mine.

Hon. Jack Austin (Leader of the Government): Honourable senators, those actions are not actions for which this government is responsible. I answered that question in the same light yesterday.

I would be very pleased to have the honourable senator's advice and consultation on the question of vendettas.

FOREIGN AFFAIRS

CHINA—CONVICTION OF CONSULAR OFFICER FOR DEFAMATION OF FALUN GONG

Hon. A. Raynell Andreychuk: Honourable senators, I would like to ask the Leader of the Government what steps the Canadian government is taking against the Chinese government to ensure that its diplomatic officials on Canadian soil are not misusing their authority. It gives me great concern because intelligence and security are issues for all of us today.

A Chinese official in Toronto has now been convicted by the courts for defaming the Falun Gong. What steps is the government taking, or has it taken with the Chinese government to ensure that this kind of action is not repeated on Canadian soil? With regard to Falun Gong members, this kind of behaviour is not restricted to that one consular officer but is systematic throughout this country.

Hon. Jack Austin (Leader of the Government): Honourable senators, my information is that certain people in Toronto who thought they were defamed took an action against the deputy consul general, who had written a letter, and that the Chinese government did not appear in the action, believing that it had diplomatic immunity. Perhaps the Chinese government was not fully advised, because the judgment was given in default of its appearance.

What may be taking place in that file as of this moment I cannot advise, but I am sure that the honourable senator will ask me the question again shortly.

Senator Andreychuk: I will ask a supplementary question. I trust that the government already has — and it would be shocking if it has not — taken up this matter with the Chinese government. The Canadian government has been on record as saying that the Falun Gong has done nothing wrong in Canada and that they are a peaceful movement. We should, if we are not continuing to do so, take that position at the Human Rights Commission and in our bilateral discussions.

I was led to believe that some of those discussions had taken place over the last number of years, but here is the actual proof. There have been a number of allegations that this is a consular officer, within the Chinese consular delegation on our soil, defaming the Falun Gong. The courts have now adjudged that to be defamation. Surely the Canadian government can no longer look the other way but must take up this matter with the Chinese authorities.

Senator Austin: Honourable senators, I can say with a high degree of certainty, if not personal knowledge, that there will be discussions between the Chinese embassy officials and the Department of Foreign Affairs, but I will have to inform myself as to what is taking place.

AGRICULTURE AND AGRI-FOOD

BOVINE SPONGIFORM ENCEPHALOPATHY— AID TO CATTLE INDUSTRY

Hon. Leonard J. Gustafson: My question is to the Leader of the Government in the Senate. It is with regard to some very serious problems now arising in the agricultural sector.

Saskatchewan feedlot operators tell me that they are losing about \$350 per head of cattle. One of these feedlots has 25,000 head of cattle on feed. This is a serious loss.

The question of time is very important. Our farmers are 60 days away from planting another crop. If the U.S. border remains closed, the situation in the cattle industry will be a catastrophe. In fact, that is what it now is. Many farmers do not know which way to turn.

I know there are programs in place that will produce results in the long term. Does the government have a short-term program to help farmers over the very serious situation that they face at this time? It will take some short-term money to help alleviate the problems; otherwise, they will not be able to put in a crop this year.

Hon. Jack Austin (Leader of the Government): Honourable senators, the government is in constant dialogue with provincial governments with respect to further programs to deal with the issue that the honourable senator has raised. I do not deny the serious damage that is taking place in the cattle industry. The fear today is that if the U.S. border is not opened fairly soon, the damage will be structural, not cyclical.

I might say, after discussion with the Honourable Senator Fairbairn, who is from Lethbridge, Alberta and knows that area well, that the damage to the feedlot industry is substantial and is now becoming as considerable a crisis as anywhere in Canada. It is not just the producers, as Senator Gustafson knows; it is workers like the feedlot operators, the truckers and the packers.

Senator Lynch-Staunton: What will you do about it?

Senator Austin: The Honourable Senator Lynch-Staunton asks what we will do about it. We are not able unilaterally to open the border. If the honourable senator has that expectation, he expects too much. We are in dialogue with the United States. The issue is well known to all of the decision-makers. I wish, as much as anyone here, even the Honourable Senator Gustafson, that new steps can be taken soon.

Senator Lynch-Staunton: He is asking for help.

Senator Gustafson: As the honourable senator is aware, the farmers are completing forms now on the new program for the end of March. There is some question as to whether the program will be in place before seeding time so that there might be some assistance for the year 2003. They are also filling out forms for the year 2004.

It appears to me that nothing will happen in this program until probably the fall. Yet, this industry is so vital to Canada. Agriculture is responsible for 25 per cent of the gross national product of this country. A dollar spent in agriculture will bring returns in many ways. As the honourable senator just mentioned, a wide range of people are affected by this situation, encompassing jobs in manufacturing and so forth. That is why this question is so important.

I have no doubt that this matter has been discussed already in cabinet, but will the minister consider taking it once again to cabinet and relaying to its members the importance that I am sure he understands is there to the whole industry and to the whole country?

Senator Austin: Honourable senators, indeed, I have done so, and so can report that Minister Speller has been absolutely prodigious in the work that he has done to try to deal with this issue.

I can tell you that there is more than just the federal government in the problem-solving side of this issue. It requires provincial participation and the participation of many levels in the industry itself, plus the dialogue with the United States and its many levels of agriculture: producers, packers and so on; and, of course, all the scientists whose advice is at the absolute base of solving the issue.

• (1410)

It is a most complex and difficult issue. I am sure that the federal government will not let up in pushing for a balanced solution that preserves the industry.

FOREIGN AFFAIRS

CANADA-UNITED STATES RELATIONS

Hon. Gerry St. Germain: Honourable senators, my question is for the Leader of the Government in the Senate. My concern is that the entire problem will not be solved, unless we can reach an agreement with the U.S.

I have previously referred to the February 9, 2004, cover of *Maclean's* magazine, "Canadians to Bush: Hope you lose, eh," with a picture of the President of the United States, inferring that Canadians hope he loses the election. If the Americans were to do that to us, we would be screaming murder because they would be seen as interfering in our political process. As well, we get all excited about a couple of comedians and showmen like Don Cherry and Conan O'Brien who have made some disparaging and inappropriate remarks.

Honourable senators, what is at the heart and soul of our agriculture industry is being jeopardized, yet I do not hear one ounce of complaint from the government side. I know that freedom of the press is involved in the *Maclean's* issue; nevertheless, I think we have a responsibility to speak out, to send a message to the Americans that we do not agree with this type of thing. How can we expect President George W. Bush to cooperate with us if we sit back and accept derogatory comments made by former MPs and now an unfavourable article in one of our largest national magazines? What is the minister's reaction to that?

Hon. Jack Austin (Leader of the Government): Honourable senators, my reaction is that those who disagree with the article should cancel their subscription to *Maclean's*.

Senator St. Germain: I did. However, as things stand, I do not even have to subscribe to the magazine to receive it; they just keep sending it.

AGRICULTURE AND AGRI-FOOD

CONSUMER BEEF PRICES

Hon. Gerry St. Germain: Honourable senators, farmers are taking a pounding at the farm gate. However, a walk into any supermarket in this country will reveal that the price of beef has not gone down three cents. Has the government looked into why consumers are not benefiting from lower beef prices? The price of calves has gone from \$1.20 per pound to 60 cents per pound. Prices dropped exactly 50 per cent at the auction I attended last week in Langley.

Can the government leader explain to Canadians why they are not receiving a reduction in the price per pound of beef?

Hon. Jack Austin (Leader of the Government): Honourable senators, that question is one that I myself have raised with the Minister of Agriculture.

Senator Lynch-Staunton: What is his name?

Senator Austin: Senator Lynch-Staunton does not know the Minister of Agriculture's name. His name is Bob Speller.

Senator Lynch-Staunton: I was not addressing the government leader.

Senator Austin: I beg the pardon of Senator Lynch-Staunton, but I could hear him loud and clear across the aisle. I would advise the honourable senator to keep his voice a little lower if he is not talking to me.

[Senator St. Germain]

Honourable senators, the initial response I received is that the entire supply chain is affected by the volumes going through it. As the volumes decline, the unit cost rises. Whether that is a sufficient answer for Senator St. Germain, I do not know. It is not sufficient for me; I am continuing to make inquiries.

[Translation]

SOLICITOR GENERAL

ROYAL CANADIAN MOUNTED POLICE— POSSIBLE BREACH OF CODE OF ETHICS

Hon. Jean-Claude Rivest: Honourable senators, this morning on radio station CKAC, there was a news item I would like the minister to verify, because it could have a certain bearing on the inquiry related to the sponsorship affair.

A journalist has revealed the text of a letter to the Royal Canadian Mounted Police, in which it appears that VIA Rail made a free train available to high-ranking RCMP officers to attend an event in the Quebec City area. This would have been contrary to section 54 of the RCMP code of ethics, which forbids RCMP officers from accepting any gifts at all.

Therefore, I would ask the minister to verify the accuracy of this information. If it turns out to be correct, I would ask the minister if it would not be appropriate, considering the involvement of VIA Rail in the sponsorship affair, to question how credible it is for the RCMP to conduct the part of the inquiry concerning VIA Rail.

The minister could then inform his colleague of the following fact:

[English]

Wrongdoing happens outside Quebec. It does not imply necessarily Quebecers.

Hon. Jack Austin (Leader of the Government): Honourable senators, as to Senator Rivest's last remark, I have no doubt that he is correct. Wrongdoing takes place everywhere because wrongdoers are everywhere.

With respect to the honourable senator's question, I shall raise the matter with the President of the Treasury Board and ask him to provide me with a response.

DELAYED ANSWER TO ORAL QUESTION

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour of tabling a delayed answer to an oral question posed by the Honourable Senator Beaudoin on February 4, 2004, concerning parliamentary review of Bill C-36, which became the Anti-terrorism Act.

JUSTICE

REVIEW OF ANTI-TERRORISM ACT

(Response to question raised by Hon. Gérald-A. Beaudoin on February 4, 2004)

Bill C-36, the *Anti-terrorism Act*, requires that a committee of Parliament must undertake a comprehensive review of the provisions and operation of the Act within three years after the Act received royal assent. Royal assent was received on December 18, 2001. The review must therefore begin, at the latest, by December 18, 2004. Within this time frame, it is up to Parliament to decide when the review will begin. The committee must submit its report within a year after the review is undertaken or within such further time as may be authorized by Parliament. The Department of Justice is currently preparing for this forthcoming review.

THE SENATE

INTRODUCTION OF DEPUTY PRINCIPAL CLERK CATHERINE PICCININ

The Hon. the Speaker: Honourable senators, before proceeding to Orders of the Day, I should like to draw your attention to the fact that today is the first occasion that Ms. Catherine Piccinin, Deputy Principal Clerk of Committees, is serving as a Table Officer. Ms. Piccinin began her career in the Senate in 1988 and was appointed Deputy Principal Clerk in January of this year.

Hon. Senators: Hear, hear!

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Melanie Bratkoski, a former head page. As we all know, Melanie is from Saskatchewan. Welcome back.

Hon. Senators: Hear, hear!

BUSINESS OF THE SENATE

Hon. Herbert O. Sparrow: Honourable senators, my question is to the Deputy Leader of the Government in the Senate and regards tabling an answer to a question. I would ask him, if it is in order, that answers be read, so that they are recorded in Hansard. I would further ask, and perhaps this will require a motion, that all delayed answers be read into the record, so that all honourable senators will be able to read the answers in Hansard.

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I believe that a portion of the delayed answers to questions appears in Hansard. I would be pleased to explore what more we can do to ensure that a full answer appears in Hansard.

Senator Lynch-Staunton: They are in Hansard.

ORDERS OF THE DAY

LIBRARY AND ARCHIVES OF CANADA BILL

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator LaPierre, seconded by the Honourable Senator Fraser, for the second reading of Bill C-8, to establish the Library and Archives of Canada, to amend the Copyright Act and to amend certain Acts in consequence.

Hon. David Tkachuk: Honourable senators, I spoke to this bill at second reading when it was before us in the last session of Parliament, albeit with a different number. As well, I listened with interest to Senator LaPierre's speech, Monday last, on Bill C-8.

• (1420)

The Library and Archives Canada Act has now been reinstated by the Martin government. This bill does more than consolidate our National Library and National Archives into one institution. It proposes amendments to the Copyright Act which would extend copyright protection to the unpublished works of authors who died within a set time period. The amendment is commonly associated with Lucy Maud Montgomery, as her estate pushed hard to gain an extension for her unpublished diaries before the end of last year, December 31. The estates of authors who died before 1949 had already been given a five-year extension in 1997 to find publishers, meaning that they were protected until December 31, 2003.

Due to prorogation, Bill C-36, along with everything else on the Order Paper, had already been dead for over a month when that day arrived. On January 1, over a month and a half ago, these previously unpublished works legally lost their protection and became part of the public domain. They are now technically available for study by historians, archivists, researchers, librarians, genealogists and countless others. Yet last week the government chose to bring this bill back in the exact same incantation as when the Parliament prorogued, as if the calendar had not changed at all.

Why has the bill been reintroduced with the same Copyright Act amendments? It would appear that there could be one or two possible reasons for this. The government either intends to give retroactive copyright protection to those unpublished works, or it does not intend to do so and wants the Senate to delete the clauses in its consideration of this bill.

The first possibility poses significant questions as to the legal and political ability of the government to extend copyright protection once it has been lost. The second possibility suggests that the government is just looking for a way to get around having to start from the beginning with this bill.

The truth is that we do not know the intention of the government in this matter, perhaps because the government does not know itself. I do know that Senator LaPierre alluded to the fact that that section of the bill — section 28, I believe it is — on copyright would no longer exist. In fact, they did exist, and perhaps by getting rid of the copyright section it would become a new bill and they would have to start again at first reading in the House of Commons, because the substance of the bill would have changed to such an extent that it would not be allowed to fall back to where it normally should be.

In the United States, every time the Walt Disney Company has been in danger of losing its copyright protection for its landmark animated movie, *Steamboat Willy*, it has successfully lobbied the U.S. Congress to change the term of copyright protection. I fear that a similar pattern may be established in our country with the L.M. Montgomery estate. It has successfully lobbied twice in the space of five years for the Department of Canadian Heritage to propose changes to our copyright laws, one of which was successful. Actually, the second one would also have been successful had Parliament not prorogued.

The department has never pointed to another estate that has asked for similar changes. A one-time-only extension had already been given; an extension that benefited only the estates of authors who died before 1949, including Montgomery. How many more one-time-only extensions will be sought in the future?

Honourable senators, it is difficult to know how to proceed with this bill until the government makes clear its intentions regarding the Copyright Act clauses. Last week's report from the Auditor General indicates that the National Library and National Archives are in desperate need of help. Merging these two institutions is one step towards improving their operations. However, the copyright changes attached to this bill must be clarified before we can proceed with what should have been the focus of this bill all along.

I have had discussions, honourable senators, with the chairman of the committee, and I think I have a pretty good idea of how this matter will proceed, so I will leave the bill with you, as I have tried to clarify what has taken place. When the bill gets to committee, we will deal with those sections of the act and perhaps have them deleted.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker pro tempore: Honourable senators, when shall the bill be read a third time?

On motion of Senator Rompkey, bill referred to Standing Senate Committee on Social Affairs, Science and Technology.

ELECTORAL BOUNDARIES READJUSTMENT ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Smith, P.C., seconded by the Honourable Senator Robichaud, P.C., for the second reading of Bill C-5, respecting the effective date of the representation order of 2003.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I have already spoken to this bill when it was Bill C-49, and I will try not to repeat too many of the comments I made at that time. My position is well known. In particular, however, I do want to discuss the position taken by the Chief Electoral Officer with regard to the early implementation of the representation order. This is an issue that requires detailed exploration because it brings into question the impartiality of an officer of Parliament.

I turn first to the letter written by the Chief Electoral Officer on July 15 of last year, addressed to Liberal member of Parliament Peter Adams, Chair of the Standing Committee on Procedure and House Affairs, with copies to Liberal member of Parliament Don Boudria, then Minister of State and Leader of the Government in the House of Commons; Liberal Senator George Furey, Chair of the Standing Senate Committee on Legal and Constitutional Affairs; and finally to Liberal MP Paddy Torsney, Chair of the Subcommittee on Electoral Boundaries Readjustment of the Standing Committee on Procedure and House Affairs. The Chief Electoral Officer states in that letter that he has seen "media articles concerning the possibility of accelerating the implementation of the new electoral boundaries, effective April 1, 2004."

I thought that colleagues would be interested in those articles that the electoral officer saw and that prompted his letter. Here is an editorial from *The Vancouver Sun*, published on July 5 of last year:

If an early election is called, the West might be cheated of the extra seats it deserves.

Fortunately, Mr. Martin is showing signs that he's serious about making good on his promise to the West.

He is said to be working on a way to expedite the process of redistribution, so B.C. and Alberta will have their extra seats if a spring election is called.

In a wire story also on the same day, July 5, from Nouvelles Télé-Radio, the Chief Electoral Officer would have heard the following:

[Translation]

There will be seven additional seats in the House of Commons, two for British Columbia, two for Alberta, and three for Ontario.

According to a source in Mr. Martin's camp, he does not necessarily want to call an election in the spring, but he wants to have the option.

[English]

Then on the front page of the July 4 edition of *The Globe and Mail*, under the headline, "Martin lays plans for spring election, Wants to expedite seat changes to give Western provinces their due," the Chief Electoral Officer would have learned:

Liberal leadership front-runner Paul Martin is planning to tell Elections Canada to speed up its redistribution of House of Commons seats to facilitate a possible spring election, sources said yesterday. Mr. Martin — who is widely expected to win the leadership in November — is considering an election in the spring of 2004, but faces a potential backlash in Western Canada if he calls one before British Columbia and Alberta gain the new seats to which they are entitled.

The redistribution, based on population changes shown in the 2001 census, is scheduled to take effect mid-July, 2004 —

Here is a small error; it is actually towards the end of August of this year —

— but the government could force Elections Canada to move it up with a legislative change.

• (1430)

One source in the Martin camp said the candidate is well aware of the potential problem in Western Canada with calling an election before British Columbia and Alberta get the two new seats redistribution will give to each of them.

Mr. Martin has pledged to address western alienation and democratic reform as a priority, and it would be virtually unthinkable, the source said, to call an election that would give less weight to the West.

He said Mr. Martin would push Elections Canada to ensure the process can be expedited, that he would "go to virtually any length to ensure the West is not disenfranchised."

The source stressed that Mr. Martin is not necessarily planning for an early general election if he wins the leadership, although he wants the flexibility to be able to call one.

Then, on July 10, the Chief Electoral Officer would have read the following, again in *The Globe and Mail*:

The Liberal government's senior minister from British Columbia said his cabinet colleagues need to move quickly to put in place new electoral boundaries in time for a possible spring election. Natural Resources Minister Herb Dhaliwal — Prime Minister Jean Chrétien's political minister for B.C. — said yesterday Elections Canada should speed up implementation of the system, which gives B.C., Alberta and Ontario additional seats.

"I think the government should seriously consider any amendment that is required or legislation to ensure the additional seats will be provided if the election is called in the spring or prior to the deadline date for redistribution," he said.

Strategists for Liberal leadership front-runner Paul Martin have made it clear they would like to see legislation this fall that would require Elections Canada to have the new system in place by April 1.

The July 10 article goes on to say:

In Victoria yesterday, Mr. Martin said that if he wins the leadership, he would have a "very, very strong bias in favour of having an election after redistribution."

He said speeding up redistribution "is certainly a possibility."

Chief Electoral Officer Jean-Pierre Kingsley "has indicated that is possible, and obviously that's the kind of thing one has to work on," Mr. Martin said after delivering a 15-minute speech to 500 Liberal Party supporters.

This article appeared only five days prior to the Chief Electoral Officer's letter to Liberal Member of Parliament Peter Adams. Of course, it could also have been a telephone call in June from Elly Alboim, a top campaign strategist in the Martin leadership machine, which focused his attention on early implementation. In a July 18 article that appeared in the *Ottawa Citizen* under the headline "Plan to redraw electoral map on fast-forward: Rumours of early election call prompt move by electoral officer," the Chief Electoral Officer is quoted as saying:

I did receive a phone call at one time from one person who does work in Mr. Martin's camp. He was asking me what was feasible (in terms of speeding up the redistribution of boundaries). I told him my intention was to tell Parliament (first).

In light of this background and these comments by Liberal ministers, Liberal advisers and the man widely expected at the time to become the next Liberal Prime Minister, can anyone not sympathize with the Chief Electoral Officer feeling some compulsion to comply? That said, my great concern, as everyone else's, is that he appears to have caved in to political pressure, no matter the origin.

Even with this media focus, let me turn back to his letter of July 15 to look at some of its details, into which my colleague Senator Smith, in his comments, was careful not to delve. The Chief Electoral Officer said:

I have reviewed the feasibility of early implementation and would like to advise you that it would be possible for my Office to implement this scenario by April 1, 2004; the feasibility of doing so would be dependent on certain conditions being met.

I repeat: "...the feasibility of doing so would be dependent on certain conditions being met." What were those conditions, and were they met?

The first condition was that the new returning officers — all of them — be appointed no later than mid-September 2003 because, and I quote again from the letter:

Returning officers require extensive training to perform their duties during the election, as well as to become familiar with their electoral district and to perform a number of pre-writ tasks in preparation for an election.

Was this condition met? Were all the returning officers appointed by mid-September?

The government, by Order in Council, is obliged by law to appoint returning officers in every one of the 308 new ridings as well as to maintain a complete complement for the existing 301 ridings. We can assume that most, if not all, of the 301 will be willing to continue, if asked, as returning officers and can be, and probably will be, if they are not already, transferred as part of the 308. Nonetheless, on September 15, the Chief Electoral Officer's self-imposed deadline, only nine returning officers of the 308 had been officially appointed by Order in Council. The most recent count of appointments — and this goes to February 12 — shows that just 106 of the required 308 returning officers had been appointed.

Again, there is a conflict between my figures and those provided by the Chief Electoral Officer. According to the Office of the Chief Electoral Officer, there are a total of nine vacancies remaining in the complement of 308, rather than the 202 that the review of Order in Council appointments suggests. There may well be a valid explanation for this discrepancy. Perhaps the Orders in Council have yet to be put on line or made public, which is not unusual. Perhaps there is a sufficiently large number of individuals signing up for another term who have already had the training. These are questions that, hopefully, will be put during the course of committee hearings.

The point, however, is that the September 15 deadline was not met and five months later not all the returning officers are in place. Simply put, Elections Canada has not seen the basic condition fulfilled that it imposed on itself last July.

In any event, we find that, in the interim, the Chief Electoral Officer issued another news release, this time on November 12, in which he assured Canadians that Elections Canada was ready, as

always, to conduct a general election or a referendum at any time. Why he bothered to assure us that he could do his job properly is beyond me. More to the point, he added that Elections Canada "continues to prepare for a general election under the 308-seat scenario for April 1, 2004."

What I and, I hope, others want to know is under what authority is Elections Canada preparing for an April 1 implementation of a 308-riding elections map when the present law clearly states that it does not come into effect until August 25? Since when do Liberal Party aspirations to remain in office have the force of law? Since when is it proper for an officer of Parliament to write to members of only one party — in this case the government party — that their wishes are his command? If I am suggesting certain conclusions based on incomplete evidence, let someone here contradict me immediately, as I am the first to want any suggestions of nothing but the strictest abiding of the law to be convincingly confirmed.

Certainly it would have been preferable for Elections Canada to come before Parliament and explain that advances in technology now allow implementation of a proclamation order in less than one year — even six months, as recommended by the Royal Commission on Electoral Reform and Party Financing in 1991. No doubt an all-party agreement after such consultation could then have been reached to make a permanent and appropriate amendment to the Electoral Boundaries Readjustment Act.

To say, however, that he had read a number of newspaper articles in which senior Liberal MPs and a possible future Liberal Prime Minister had opined that they would like to see the boundaries come into effect on April 1 rather than August 25, and then to leap forward to propose that very date just five days after Mr. Martin's urgent appeal in Victoria, is far from a principled recommendation based on a careful analysis of the operational considerations and their impact on all political parties. The recommendation that the date be advanced to meet the partisan priorities of a single political party on a single occasion does not meet the smell test.

• (1440)

In reading the debates from the time when the Electoral Boundaries Redistribution Act was introduced in 1964, I was particularly impressed by the remarks of then Minister of Transport Jack Pickersgill, sponsor of the bill and a man not necessarily known for political neutrality, on March 10, 1964. At page 742 of Hansard, Mr. Pickersgill said:

I may say at once that the government has no intention of trying to impose its will, and has no desire to do so; I want to emphasize that. As I said earlier, we are committed to the principle of an independent impartial redistribution to be performed outside this house.

At page 739, he said:

It will be recalled also, sir, that at the last session of parliament we had, both on the resolution preceding the representation commissioner bill and on the bill itself, not what I would call an extended debate but a pretty full debate in which the general principles were, I think, unanimously accepted by the house.

He also spoke about the consultation process that had gone on. In other words, this was not a bill introduced and rammed through Parliament with no thought or consideration given to other viewpoints. At page 739, he went on to say:

It was also agreed that in this process —

— by which he meant the redistribution process —

— the government should have no more voice than any other part of the house, because this was a business which was peculiarly the business of parliament, of all of parliament, where we all have an equal obligation and, I hope and think, an equal desire to see that the people are fairly represented.

Here we are, nearly 40 years later, faced with a Liberal government bent on altering the act to meet its own partisan needs, without any particular regard or consideration for any viewpoints other than its own.

Senator Kinsella: Shame!

Senator Lynch-Staunton: As Senator Smith noted, there was support among other parties in the other place in the last session when this bill was known as Bill C-49. What he did not say is that in the current session it was pushed through the House of Commons without a vote on its merits and that a motion to prevent the reinstatement of Bill C-5 was supported by not one party but by two parties.

Perhaps government enthusiasm for this bill will vary in direct proportion to its standing in the polls. Even should the government choose to exercise its majority to ram it through over the principled objections being raised on this side, there is no assurance whatsoever that it will ever have the slightest effect, as the timing of the election remains in the hands of the Prime Minister; and he continues with the mantra that he will call the election "when it is appropriate to do so."

All of this could be obviated by implementing fixed election dates, as the Province of British Columbia has already done. This would serve to remove many of the uncertainties and impediments associated with the existing process and would be a boon to those involved in the details of organizing and running an election.

More and more, questions are being raised about a system under which the Prime Minister either chooses an election date only in the best interests of the governing party or has it dropped by surprise upon the loss of what is called a confidence vote, one which historically had significance until Mr. Chrétien used it constantly as a threat on any vote, whatever the subject matter, to browbeat his caucus.

A major concern right now is that the Prime Minister is engaging in strategic manipulation of the governance of the nation to achieve partisan ends, something that could only be to the long-term detriment of the country, and contribute to increasing an impression already too widespread regarding parliamentarians as a whole.

Fixed election dates would enable the members of the House of Commons to vote according to the wishes of their constituents, or according to what they perceive to be the best interests of the country, rather than adhere to the party line to avoid discipline. Defeating a bill should not in itself cause the defeat of the government and trigger an election.

In addition to dealing with policy concerns, there is a practical side to a fixed election date in that it would greatly facilitate the administration and organization of elections.

Honourable senators, as a matter of principle, Bill C-5 should be rejected out-of-hand not because shortening the implementation date is inherently wrong, but because allowing the Prime Minister and his government for the moment to manipulate the election law for personal and partisan advantage simply cannot be tolerated in an enlightened democracy.

It is indefensible on the part of the Prime Minister, who not too long ago promised to fix what he calls the "Democratic Deficit," to in effect widen it by persisting in the passage of this one-time amendment to an act simply to allow an election call to suit his ambitions within a time frame never envisioned by its authors. Any change should be a permanent one and only after wide public consultation to meet Mr. Pickersgill's affirmation that in the redistribution process "the government should have no more voice than any other part of the house..."

The Liberal Party was elected in November 2000, only three and one-quarter years ago. The claim that a new prime minister means a new government deserving of quick electoral confirmation is spurious, to say the least, as many Canadians have agreed in recent days in their insistence that certain questionable practices at the time the Prime Minister, as Minister of Finance and Vice-President of Treasury Board, was a front-row witness to a culture of corruption be explained to their satisfaction so that an appropriate judgment can be made on facts, not on uninspiring and unconvincing beatings of the breast and the wearing of ill-fitting hair shirts.

Honourable senators, Bill C-5, essential as it is to the government's election strategy, must still be given the most careful study in committee. Any attempt to rush it through at that stage will only confirm the apprehensions just listed and many more.

Hon. David P. Smith: Will the honourable senator take a question?

Senator Lynch-Staunton: Yes.

Senator Smith: Senator Lynch-Staunton said that, in principle, he believes that Bill C-5 should be rejected out — of hand because it offends certain principles that he thinks are sacrosanct. Would that lead him to the same conclusion in respect of Senator Kinsella's bill — that it should be rejected out — of hand in that it does exactly what this bill does, only it does it 10 weeks later? Would he reject out — of hand his bill as well?

Senator Lynch-Staunton: Yes.

Some Hon. Senators: Oh, oh.

Senator Rompkey: That is a succinct answer.

Senator Smith: Thank you for clarifying that point.

I have one more issue to raise with the Honourable Senator Lynch-Staunton, whom I have always regarded as a fair-minded person, and I say that sincerely. When the impartiality of an official, such as Chief Electoral Officer Kingsley, is raised, this allegation is quite serious. Regardless of how the honourable senator and other senators vote in the final analysis, does he not think, out of respect for the Chief Electoral Officer — who, by the way, has been unequivocal in saying that he has not been under any pressure to initiate the April 1 readiness date and that he has been aware of the debate, which he drew to the attention of the committee — that the fair thing to do would be to refer the matter to committee where Mr. Kingsley could be called as the first witness? I am certain that honourable senators would agree to allow Mr. Kingsley to appear as the first witness so that he could respond to the issue raised by the honourable senator. When someone's integrity and impartiality are under a cloud, we would want to be fair. He should speak about this issue before the committee and before Parliament, which is charged with this bill. Would that not be fair?

Senator Lynch-Staunton: That would certainly be fair. That is why I made a point of saying, as I related the facts, which have yet to be contradicted, that Mr. Kingsley should be given an opportunity to contradict them. I want them contradicted. I want him to appear before the committee to tell me that the interpretation, which, unfortunately, is widespread in respect of his role in all of this, is based on fiction rather than on fact.

• (1450)

As I have stated, he was influenced by media reports that were the result of desires of spokesmen for only one political party. What I have objected to is that an amendment to a law, which should have no political input whatsoever as much as possible, is being brought as a result of the desires of only one political party. What I am afraid of is that Mr. Kingsley was drawn into this dispute, wittingly or not. I am not raising here any suggestion that he acted improperly. I am merely putting all of these apprehensions on the record so that he may be made aware of them and have time to prepare for his appearance before the committee.

Senator Smith: I thank the honourable senator. I trust we will have your cooperation in getting this bill to committee as soon as possible in order to give the Chief Electoral Officer that opportunity.

Hon. Lowell Murray: I do not have a question for the Leader of the Opposition. I have a few words to say.

The Hon. the Speaker: There is a question. Senator Mercer?

Hon. Terry M. Mercer: Honourable senators, if Senator Lynch-Staunton would permit another question, I am wondering if the honourable senator is aware of the advisory committee that meets regularly with the Chief Electoral Officer on a quarterly basis? That committee has representatives from all political parties, including the honourable senator's own. At the last meeting I attended in my former capacity, all political parties represented there were urging Mr. Kingsley to do just this: to be ready for an early election, to speed up the process so that all political parties could have the materials and the information that they need in order to be ready for an election. I was wondering if the honourable senator was aware of that process?

Senator Lynch-Staunton: I am aware of the advisory committee. What I am also aware of is that there was no public consultation on this issue. It is not enough for a few people to sit around the table, with as much respect as I have for them, and come to an agreement. This matter should have been brought before a parliamentary committee and discussed thoroughly.

It is not just political parties sitting in the House of Commons that are involved in this issue. There are 15 or 20 registered parties right now, and there are independent candidates and others who would like to be involved in the process. However, this was all apparently done — perhaps with or without the approval of the advisory committee, but certainly done — in a manner that does not respect the intent of the act.

An Hon. Senator: Or the way in which it should be handled.

Hon. Lowell Murray: Honourable senators, I do have a few things to say about this bill. I will, with the indulgence of the house, make a few preliminary comments now and conclude my remarks tomorrow.

I am moved to make a few comments by the exchange that has just occurred between Senator Smith and Senator Lynch-Staunton, and between Senator Mercer and Senator Lynch-Staunton. When Senator Smith introduced this bill on Friday last, he put forward, as one of his first arguments in its favour, the fact that it had been supported by just about all of the parties in the House of Commons.

I must say that, on most matters, that level of support for a bill would give me pause. Like most people here, I would think seriously that a bill that had such widespread support in the House had a great deal in its favour. However, Senator Smith joined that argument to the statement that, after all, the content of this bill touches upon elections, and elections really affect those people over there, not us, and that we should pass the bill on that account; perhaps even on the nod. I have heard that argument before in this place, and I have heard it from some very eminent senators. I have always regarded it with the greatest of doubt — and suspicion, even.

It seems to me that a bill having to do with elections, and even — perhaps especially — a bill coming from the House of Commons that has the support of most of the members over there, should be examined with very particular attention, even with scepticism in this place. The fact is that the interests of incumbent MPs are not necessarily identical to the interests of the other players in our parliamentary democracy, including those of the voters.

I asked Senator Smith a question the other day as to why, for example, if the government is so convinced that the period should be shortened from 12 months to five, six or seven months, they did not simply change the law in that respect, rather than making an exception for this case only, and bringing it down to five months. His answer was: Well, we are doing it for this time only, but as for the future, we could have a review of the law.

I have had occasion since our exchange on Friday to do some research on that matter. I find, as the Leader of the Opposition pointed out earlier, that the Lortie Royal Commission in the early 1990s recommended a six-month delay between the end of the redistribution process and the coming into force of new boundaries. Indeed, I find that the Chief Electoral Officer himself, as long ago as 1994, suggested at the Standing Senate Committee on Legal and Constitutional Affairs that the delay could be reduced to six months. This, therefore, raises a question: Why did the Mulroney, the Chrétien and the Martin governments not give effect to that recommendation of the Lortie Commission, or to that statement by the Chief Electoral Officer almost 10 years ago?

I think I know the answer to that question. I believe the answer is that while the Chief Electoral Officer may be able to get his job done in less than 12 months, that generally speaking, the politicians in the other place of the various parties are not so confident that it can be done in that time frame. It seems that what we will end up with is a law saying 12 months, and whenever it suits the political convenience of the government — or indeed of all of the incumbents over there — to either expand the time frame or shorten it, that is what they will propose to do. I say to my honourable friend that that is no way to run an impartial election and redistribution system. I will return to this point tomorrow.

On motion of Senator Murray, debate adjourned.

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Wilfred P. Moore moved second reading of Bill C-13, to amend the Criminal Code (capital markets fraud and evidence-gathering).

He said: Honourable senators, we have before us Bill C-13, the former Bill C-46, which lapsed on the Order Paper in the last session of Parliament before this chamber had a chance to commence second reading. It has now been reinstated without amendment by the other place.

The measures in this bill are designed to bolster investor confidence in our capital markets, and to send a clear message to those who threaten the integrity of our markets that their illegal activity will not be tolerated. The bill does this by making various improvements to the criminal laws that govern fraud in, and related to, our capital markets.

We are all aware of the corporate scandals that shook the markets in the United States of America in 2001 and 2002, and which resonated around the globe. We are also well aware that sound investor confidence is a key driving force behind a thriving economy. In advancing that cause, I am pleased to support Bill C-13 today.

Honourable senators may remember that our colleagues on the Standing Senate Committee on Banking, Trade and Commerce have recently studied the state of health and vibrancy of Canada's capital markets, and explored means to bolster investor confidence. In June 2003, just days after the government introduced the former Bill C-46, now before us as Bill C-13, our committee issued its report entitled, "Navigating through the 'Perfect Storm': Safeguards to Restore Investor Confidence."

• (1500)

This far-reaching and comprehensive report examined the issue of investor confidence and a broad range of methods for improving it. The report recognized the importance of enhancing and improving enforcement of the criminal law relating to capital markets fraud. The committee noted the need to ensure that the law was adequate and that there were adequate resources for enforcing it. The committee also emphasized the need for whistle-blower protection for corporate employees as another means of bolstering investor confidence and market integrity.

Honourable senators, Bill C-13 reflects the recommendations of our Banking Committee's report in regard to the criminal law. To elaborate, Bill C-13 is comprised of four separate elements: two new offences; strengthened sentencing measures; enhanced evidence-gathering tools; and concurrent federal jurisdiction to prosecute fraud and market-related offences.

Before outlining these powerful new tools, it is crucial to note that the legislative amendments in Bill C-13 are accompanied by a national enhanced enforcement strategy. This larger strategy will see the creation of integrated market enforcement teams, or IMETS, in four key financial centres in Canada: Toronto, Vancouver, Montreal and Calgary. Teams have already been established in Toronto and Vancouver. The 2003-04 Budget allocated up to \$30 million a year for the next five years for creation and maintenance of these teams. The government is serious about tackling the problem of capital markets crime.

These teams are comprised of RCMP investigators, federal lawyers, forensic accountants and other disciplines working together toward a common goal. The goal of these teams is to investigate serious Criminal Code capital markets fraud offences involving publicly traded companies that are of national significance; that is, cases where these criminal actions pose a genuine threat to investor confidence and economic stability in Canada.

The government's enhanced enforcement strategy is key to repairing investor confidence and putting offenders on notice that their days are numbered. Bill C-13 complements this enforcement effort. Allow me to briefly outline the key elements of this important bill.

The first element of Bill C-13 comprises two new targeted offences. As corporate criminals currently behind bars can attest, we already have strong and effective laws under the Criminal Code to deal with capital markets fraud. These current offences include a broad and effective fraud offence, offences relating to obstruction of justice, filing a false prospectus, falsifying documents of various sorts, and others. However, in the government's view of existing laws, two gaps were identified that Bill C-13 now seeks to fill.

The first of these involves the improper activity of insider trading. Insider trading strikes at the core structures of a solid financial market and violates the fundamental principles of fairness and transparency on which transactions in capital markets are based. It harms ordinary Canadians; it can damage companies; and it can have a severe effect on the integrity of our capital markets at the international level.

As honourable senators may be aware, insider trading is currently prohibited under provincial securities laws and in certain circumstances under the Canadian Business Corporations Act. It has become clear in recent years, however, that the use of the criminal law is a necessary additional instrument for deterring this kind of corporate malfeasance because of the powerful symbolic value of the criminal law and its more severe penalties. The message is clear: This type of activity, when carried out on a serious level, will carry severe sanctions should the Senate see fit to pass this bill.

The other new offence created by Bill C-13 is a form of whistleblower protection that would, through deterrence, protect employees who report unlawful conduct to a law enforcement body. The offence will punish an employer for making employment-related threats or taking retaliation against employees who do assist in law enforcement. Employees can and often do play an important role in the detection and investigation of individual and corporate malfeasance and, ultimately, in the protection of society as a whole. They clearly deserve this legislative protection.

The second element of the bill involves strengthened sentencing provisions. Bill C-13 proposes to strengthen the penalties applicable to fraud and related offences, which will impact on white collar crimes in general, as well as capital markets fraud cases. It proposes to raise the maximum prison term for the primary fraud offence in section 380 of the Criminal Code from 10 to 14 years and for fraudulent manipulation of stock exchange transactions under section 382 from five to 10 years.

It is to be noted that a maximum prison term of 14 years, which this bill would apply to the primary offence of fraud and which is the offence that is most often charged in capital markets fraud

cases, is the highest maximum sentence under the Criminal Code short of a maximum term of life imprisonment. This increased penalty will be available for other kinds of serious fraud as well and can be expected to have an enhancing effect on the punishment of white collar crime generally, including predatory crimes like telemarketing fraud that targets vulnerable groups such as senior citizens.

The bill would also codify aggravating sentencing factors and non-mitigating factors. These factors are Parliament's way of telling the courts that certain circumstances — such as a large number of victims, a high dollar value lost or exploitation of a person's position of trust in the community — merit a harsher penalty. Certain forms of fraudulent behaviour are more serious than others, and punishment would reflect these aggravating circumstances accordingly.

Honourable senators, I think you would agree that these measures send a clear and proper message: If you commit a serious fraud on the people of Canada and threaten the security of our capital markets or otherwise victimize large numbers of Canadians or residents of other countries from Canada, you will be punished accordingly.

The third element of Bill C-13 is the creation of enhanced evidence-gathering tools. In response to the legitimate needs of front-line investigators, Bill C-13 will create two types of "production order" powers in the Criminal Code. These production orders are for the most part based on similar standards and safeguards as search warrants. Whereas a search warrant allows police to search a certain place for evidence, a production order compels a person to produce the relevant information, even if stored outside Canada, to the police within a specified time and at a specified place.

First, the "general production order" will require a person other than the individual under investigation to produce documents or data if a judge or justice is satisfied that there are reasonable grounds to believe an offence has been committed, that the specific documents or data will afford evidence of the offence, and that the recipient of that order has possession or control of this material. This is the basic search warrant standard.

Second, the "specific production order" compels the production of information for which there is a lower expectation of privacy. This specialized type of order will have a narrower scope in that it would only apply to financial institutions and other organizations specified in the legislation. General threshold information relating to bank accounts, such as the name of an account holder or type or status of an account, would be accessible, but not the transactions in the account. A judge or justice will still have to be satisfied that there are reasonable grounds to suspect that the information will assist in the investigation of the offence. The information so obtained will aid law enforcement agencies in deciding whether to seek a general production order or a search warrant.

Honourable senators, it is important to note that these new production orders will be available in general to the investigation of all criminal offences. They will be particularly useful in gathering, in a timely and effective way, the financial information that is critical to the investigation of capital markets fraud cases and other white-collar crimes. Law enforcement agencies and Crown prosecutors have been asking for this new legislative tool for some time. With the increasing computerization of records, the proliferation of the Internet and the widespread adoption of new communications technologies, the timing is right for this form of investigative tool.

• (1510)

These new powers complement the government's enhanced investigation approach. They will be of tremendous assistance to the IMETS investigators and their passage into law is greatly anticipated by both law enforcement and securities industry stakeholders.

Honourable senators, the fourth and final element of the bill is the proposal to give the federal government the concurrent jurisdiction to prosecute fraud and certain market-related offences. The application of federal prosecutorial resources in this area will be restricted to a narrow range of cases that threaten the national interest and the integrity of our capital markets. The federal government does not intend to replace or overtake provincial prosecutorial jurisdiction but rather to complement it. In order to ensure proper coordination, the Government of Canada is currently working with the provinces to develop prosecution protocols that will recognize the primary role of the provinces in this area and ensure a coordinated and effective implementation of concurrent jurisdiction. The end goal is partnership because only through partnership with our provincial colleagues can we strengthen our investor confidence and bring to justice those who threaten it.

The Hon. the Speaker: Honourable senators, I wonder if I could ask for order. If there are conversations, could you carry them on beyond the bar or outside the chamber? That would be appreciated. I would like to hear Senator Moore.

Senator Moore: Honourable senators, in conclusion, the legislative measures in Bill C-13, coupled with the focused commitment of additional resources in the form of the Integrated Market Enforcement Teams, will help to improve the detection, investigation, prosecution and ultimately the punishment of fraudulent activities that affect our capital markets and our economy.

This comprehensive package sends the message that Canadians expect us to send to the perpetrators of capital markets fraud — that those who engage in such activity face a significantly increased risk of being detected, caught, charged, convicted and punished. I ask all honourable senators to support Bill C-13.

On motion of Senator Kinsella, for Senator Kelleher, debate adjourned.

AMENDMENTS AND CORRECTIONS BILL, 2003

SECOND READING

Hon. John G. Bryden moved the second reading of Bill C-17, to amend certain Acts.

He said: Honourable senators, as you know, this is a reprint of Bill C-41, which received second reading during the last session on October 29, 2003. At that time, Senator Lynch-Staunton, Leader of the Opposition, indicated that he and his side are basically in support of the substance of this bill. Nevertheless, I think it is useful to mention the things covered herein, and I will do that as quickly as possible.

The bill proposes minor corrections to a number of statutes to ensure that our laws are accurate and up to date. This is the second technical corrections bill that the government had introduced in the last session; the first for this session.

Last year, Parliament passed Bill C-43, which we have discussed, making corrective amendments to a variety of statutes. Although the purpose of Bill C-17 is to make technical corrections to our statutes, it is not designed to replace the Miscellaneous Statute Law Amendment Program. Several of the amendments in this Bill C-17 require the expenditure of funds and would not fit the strict requirements of the MSLA Program.

I will briefly highlight the amendments in Bill C-17. The first amendment relates to lieutenant governors. I do not think it relates to former lieutenant governors. We had two of those at one point, but now we only have one who is currently with us in this place.

Several provisions of the bill update the disability provisions for lieutenant governors, consistent with the recent changes made in the Parliamentary Compensation Program.

Honourable senators will recall that, in 2001, the disability provisions for parliamentarians were updated. The 2001 changes provided disability benefits for parliamentarians aged 65 or over. Prior to that, parliamentarians could not be covered for disability when they were over 65. Parliamentarians can now continue to contribute to their pensions while they receive disability benefits. For example, senators who become disabled are able to receive disability benefits until age 75. This period of time is included in the senators' pensionable service.

Bill C-17 would update the disability benefits for lieutenant governors on a similar basis. Disability benefits would be available for lieutenant governors aged 65 or over for a period of up to five years. Currently, disability benefits are only paid to those under 65 years of age. Lieutenant governors would be able to contribute to their pensions while they receive their disability benefits.

A number of proposed amendments relate to appointments, or really the title of appointed positions. Several amendments clarify the provisions of certain appointments. For example, the French title for the deputy commissioner of the Canada Customs and

Revenue Agency would be changed from "commissaire adjointe" to "commissaire délégué", which is allegedly a more correct term. The title for the executive director under the National Round Table on the Environment and the Economy Act would be changed from "executive director" to "president," which is a more up-to-date title. The bill would also clarify the definition of officer-directors in the Financial Administration Act.

Bill C-17 makes corrections in relation to customs. The Customs Act would be amended to provide the correct references to the Canada-Costa Rica Free Trade Agreement in the French version of the text. The Importation of Intoxicating Liquors Act would make direct reference to the List of Tariff Provisions set out in the schedule to the Customs Tariff, consistent with other provisions.

There are some retroactive corrections as well. First, Bill C-17 would make an administrative correction to ensure the authority for consular service fees collected for the period from April 1998 to January 2003. An administrative correction is necessary due to a procedural error that took place when these fees were enacted in 1998.

Second, the bill would provide for the retroactive payment of compensation to chairs and vice chairs of special committees. Earlier this year, parliamentary compensation was updated to provide chairs and vice chairs of special committees with the same compensation as that for chairs and vice chairs of standing committees. However, this change was not made retroactive and previous chairs of special committees cannot qualify for additional compensation.

Bill C-17 would correct this situation by making these payments retroactive to January 1, 2001, the same date that chairs and vice chief of standing committees began receiving additional compensation. Although that issue has been the subject of more interest in the other place, a parallel provision for special Senate committees was added to ensure parallel treatment for both chambers.

• (1520)

In conclusion, honourable senators, these amendments are technical in nature and do not make any major policy changes. I hope honourable senators will support the passage of this bill. In particular, I hope we can soon move this bill into committee stage, where it can be examined in detail on behalf of the Senate.

On motion of Senator Kinsella, for Senator Lynch-Staunton, debate adjourned.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Trenholme Counsell, seconded by the Honourable Senator Massicotte, for an Address to Her Excellency the

Governor General in reply to her Speech from the Throne at the Opening of the Third Session of the Thirty-seventh Parliament.—(9th day of resuming debate)

Hon. Jack Austin (Leader of the Government): Honourable senators, to begin, I should like to offer my congratulations to Senator Trenholme Counsell for her address proposing the adoption of the Speech from the Throne.

[Translation]

The Honourable Senator Trenholme-Counsell was Lieutenant Governor of New Brunswick for over six years and a member of the provincial cabinet. We are privileged to have among us someone with such valuable experience in the public service.

[English]

Also, I should like to thank the Honourable Senator Paul Massicotte for his insightful maiden speech and for seconding the motion to adopt the Address in Reply to the Speech from the Throne.

As Leader of the Government in the Senate, I wish to convey my appreciation to senators for your understanding, support and solid work on behalf of the Senate of Canada and on behalf of the people of Canada and the regions we represent. I want to work with all of you to build a greater respect for Parliament, for political integrity and for the well-being of Canada.

Sitting next to me, on my left, are Senators Carstairs, Graham and Fairbairn, all of whom have served as Leaders of the Government in the Senate, as has the Honourable Senator Murray, who sits opposite. On behalf of us all, I extend our appreciation for their extraordinary service.

In addition, my thanks go to Senators Robichaud and Rompkey for the leadership they have shown to the government side in the last session.

To you, Your Honour, I offer our highest esteem as you continue to discharge your important service to this chamber with the necessary *gravitas* and courtesy it requires.

The Leader of the Opposition in the Senate, the Honourable Senator John Lynch-Staunton, has earned the respect of all of us in the chamber, as has his deputy, Senator Kinsella. I am sure I speak for all my colleagues when I say that we are looking forward to holding many edifying debates with our colleagues across the floor, and that our legislative actions will, in the fullness of time, prove to be to the benefit of the Canadian people.

Let me begin by quoting Prime Minister Paul Martin at the time he assumed the leadership of the Liberal Party of Canada a few months ago. He said — and I quote:

The world is not waiting for us — it is evolving, changing. So we must be ready to meet new challenges — with new solutions, new ideas.

[Senator Bryden]

Under the Canadian Constitution, the Senate has virtually the same legislative powers as the House of Commons. The well-known exceptions relate to the initiation of money bills and the limited role to deal with constitutional amendments that have received the requisite approval of the House of Commons and the provincial legislatures.

One of the critical events of the 1980-81 negotiations for patriation was the inability of the Prime Minister and the premiers to come to any agreement on changes to the Senate's constitutional and legislative roles. Nor were the people of Canada prepared to support constitutional change when proposed by the Charlottetown agreement.

The Senate's authority is based on the British North America Act, 1867, now called the Constitution Act, 1982. As is well known, negotiators representing the Canadian colonies decided, in establishing an upper chamber, that its role would be to represent peoples in the various regions of Canada and to slow the possible excesses in social and political zeal that a popular vote of all male adult citizens might bring. As Prime Minister Sir John A. Macdonald said, it was a saucer to cool the forces of hot and irrational opinion.

However, the bargain of 1867, while still our constitutional mandate, has had its political underpinnings undermined. The regions or provinces no longer look to the Senate to protect their authority and they represent themselves quite effectively. Our citizens in general have adopted the principles of democratic representation and no longer see an appointed body as representing them, if they ever did. As for business and property interests, they have long ago found other and better ways to have their concerns attended to.

The issue for the Senate, then, is to determine whether other interests in Canadian society need to have their views and voices heard. Clearly, there are many communities and groups who find, due to their lack of political power, their size or our political culture, that the Senate gives them a voice in the Canadian political system that otherwise they would not have. Think of the special role senators are playing in the interests of children, health care — including mental health — palliative care, literacy, Aboriginal issues, the empowerment of women, the role of media, culture and heritage, official languages, and more.

It is rare when the House of Commons can give its attention to the concerns of lower-profile but active communities, particularly in highly partisan seasons, such as the present, with an election in the offing. We can and we do, thereby adding greatly to the proper governance of Canada.

One other special feature is that many of the peoples and communities of Canada are too small or too widely dispersed to have any real chance to elect a member to the House of Commons. However, by appointment, they can be represented in the Senate. Honourable senators, think of Senator Adams, the first Inuit to be represented in Parliament, or Senator Chalifoux,

the first Metis, or Senator Poy, the first Chinese woman, or any senator from Alberta, so far as the Liberal way of thinking is concerned.

It was not so long ago that in three provinces the Trudeau government failed to elect a government member to the House of Commons and that senators, including myself, were appointed to cabinet to represent those regional interests.

The Senate should not normally be a place of adversarial politics, but a place of thoughtful debate, analysis, compromise and persuasion. Opposition here originates not only in a literal way from across the floor, but from the essential tension between the upper and lower Houses of Parliament.

Although there are times in our history when we have been resistant in our opposition to government legislation, our normal role, through convention, has been to review, to counsel and to influence, where possible, until Parliament as a whole is satisfied with the legislation it sends for approval to the Governor General.

In general, we have held our legislative powers in reserve. We have given recognition to the political mandate held by the House of Commons through elections. When we have advised and they have resisted, we have accepted their view. The exceptions are few, but related to great issues, where, if legislation is passed, the step cannot be retrieved. Such was the case with the Free Trade Agreement of 1988 that the Senate declined to pass. The Mulroney government then sought and won a mandate for free trade.

The Senate has long been the target of criticism, much of it, regrettably, uninformed. I have heard senators, themselves newly appointed, express surprise and subsequent admiration when they arrive and discover the invaluable work done by their colleagues. I believe we all feel privileged to be here. I, myself, feel honoured that I am able to serve in a position where so many worthy men and women have served before me.

The Senate today, despite its reputation in some circles, is a place that is forward thinking and responsive to new challenges. The work of many committees of the Senate deserve note; but all senators will agree that in the last few years alone we have made major contributions to public policy in such areas as health care, security and defence, and Aboriginal policy. I believe that today, honourable senators, the institution of which we are a part is facing questions that require renewed answers.

This morning, I had the opportunity to read a speech given on Monday, February 16 — that is, two days ago — to a Halifax audience by our colleague Senator John Lynch-Staunton. The title of that speech is, "The Senate: Appointed or Elected? It's not that simple."

• (1530)

The speech is one that all senators and many others should read if they are interested and concerned with the issues of Senate reform. The key points are there and well discussed. No doubt there remains much to debate, but the speech is a good guide.

The debate about the Senate and constitutional reform will be an ongoing one and beyond our ultimate control. We can do more, however, to make the Senate a better, engaged institution in the day-to-day lives of Canadians. We have talked about including more Canadians in our policy work through a Senate citizens' commission. Let us do it. We have talked about a greater presence for the Senate and its committees in the regions of Canada. Let us do it. Let us show Canadians how we can serve them.

On reflection, one of the greatest and most beneficial changes to the Senate in the nearly three decades that I have been here has been the appointment of many women. Beginning with Prime Minister Trudeau, then Prime Minister Mulroney and followed especially by Prime Minister Chrétien, women have been appointed in sufficient numbers that they are a substantial presence and, I might add, nearly in control. There is nothing but good to come of it. The Senate has 35 women members out of a present total of 99. As I said last fall in an article in the *Hill Times*, the Senate has the best representation of women in the legislatures of any democratic system except for Sweden, but we look forward in due course to appointments that further the goal of equal numbers of qualified men and women in this chamber who are also truly representative of the Canadian mosaic.

In the international sphere, Canada has an important role to play in parliamentary diplomacy. Senators are ideally situated to promote Canadian interests abroad. Parliamentary diplomacy has grown dramatically in the last decade and developing countries are reaching out to seek help from us as they define their governance issues. Due to the longer tenure that senators have in office, we are able to play an effective role in building longer term relations with key people in foreign governments, legislatures and communities.

While most senators have been active in our parliamentary associations, let me note a few of our colleagues in particular. Senator Pierre De Bané has made several trips to the Middle East, both for Canada and individual Canadians, has built key links that allow informal dialogue, and has succeeded in obtaining repatriation of Canadian citizens from foreign incarceration. Former senator Heath Macquarrie was similarly active. Senator Jerry Grafstein has played a valuable role in developing relations and in dialogue on issues with the United States, and recently assisted the democratic process in Georgia.

Senator St. Germain: We need more Jerry Grafsteins.

Senator Austin: Senator Al Graham has made countless trips to observe foreign elections in the company of such leaders as former U.S. president Jimmy Carter. Senator Marcel Prud'homme is a founder of the parliamentary association movement and has been everywhere. Honourable senators will remember our former colleague Lois Wilson and her important work in Sudan and North Korea. Work in Sudan is now being continued by Senator Mobina Jaffer, who is Canada's special envoy. I also want to mention the valuable role that Senator Doug Roche has and is playing in the work of the United Nations and in the global peace process.

[Senator Austin]

Let me turn now to the issue of Canada's presence in the world community. In Afghanistan, Canada is making our largest current military commitment to another country. This investment in a terribly war-torn country is providing real assistance to the Afghan people, who have now adopted a constitution. We are grateful to our Canadian military and to government and non-government Canadians who are working for the peace and development of Afghanistan.

I mention also that Canada has joined other G7 nations in recent debt reduction for Iraq, and will provide that country with \$300 million more in humanitarian and reconstruction aid over the next five years. At the recent Summit of the Americas, Canada was a leader to the group of Caribbean nations which comprise CARICOM in discussions seeking to restore democracy to Haiti.

Members of the Senate have an active and abiding interest in promoting parliamentary democracy, and senators have visited many of these countries.

We are living in an age where multinational institutions, whether they are corporations, associations of citizens or associations comprised of many member countries, are receiving attention as never before, for the simple reason that they are directing our lives as never before. We have seen protests mobilized against companies, as well as APEC and WTO summits. The common thread is a fear by our populace of handing control of the future over to large bodies that they cannot control or understand. Market forces, environmental changes and international fiscal exigencies all have the power to be harnessed to make our lives better or to worsen the human condition.

The advantage to Canada in a world such as this is that we are widely trusted. In an era where multilateral fora cannot always contain the nature and speed of contemporary changes, or even where the United Nations cannot exercise control over conflicts, Canada occupies a special ground. Canada has often served as an honest broker in past conflicts and on behalf of populations who have not had a voice on the international stage, and senators have been an integral part of this contribution to stability overseas. I hope that we continue to foster among ourselves this aspect of our institution, as I believe it says a great deal about the values that Canadians hold dear and about the responsibility of individual senators themselves.

Senators also occupy a special place in policy development for the nation. The Senate has historically been astute at identifying emerging issues and drawing attention to issues that have resulted in mobilizing Canadians to demand change from our governments and our institutions. There have been numerous reports of this nature from senators and their committees: The 1971 report by Senator Croll on poverty in Canada; Senator Sparrow's 1984 report on soil erosion; Senator Davey's report on the Canadian media; my predecessor Senator Carstairs' key participation in two reports on end-of-life issues; and Senator Nolin's special committee on illegal drugs. Another of my predecessors, Senator Fairbairn, has worked tirelessly on improving literacy across our country and she continues this work today.

Private members' bills that originate in the Senate have also made a contribution to lives of Canadians. Senator Oliver's introduction of a private member's bill to prevent unsolicited messages on the Internet is something that I believe has the support of a great many Canadians. Senator Kenny's Alternative Fuels Act is one bill that has become law, but many other bills from individual senators have prompted the government to act by introducing its own parallel legislation in the House of Commons.

As I have said in earlier comments, a senator's first role is as legislator, a role that has concomitant responsibilities. Senators are keenly aware that as a parliamentary institution which studies legislation originating in a house of elected representatives, senators must treat with respect the wishes of the government of the day as embodied in the other place. There is general acknowledgement that the appointed nature of the Senate requires that it exercise its powers cautiously.

I have referred to Senator Lynch-Staunton's speech in Halifax on Monday and he too makes this point.

Nevertheless, Canadians also want to know the issues and will tolerate active dialogue between the two chambers when it is seen to be informative and constructive.

The Senate often exercises restraint in rejecting bills from the other place. We have tacitly agreed to follow the Salisbury-Addison document originating in Westminster, a convention of not opposing measures proposed by the government if those same proposals are a key part of the elected mandate. Discussion is key to democratic debate, and what could be a more public forum than an election for debating and determining the direction of public policy.

However, our responsibility to amend legislation remains where a bill is not workable, or where it does not respond to constituencies that are most affected by the proposals. At times we can and have introduced better ways to affect the same purpose of the original legislation where a particular constituency is at risk. Still, we send our comments back to our colleagues in the other place for approval because we remain cognizant of our status as a chamber that must ultimately reflect the wishes of the people who granted approval to a government to enact its specified mandate.

In my opinion, the Senate has been well served when its members have been able to maintain a balanced viewpoint midway between looking to the past for guidance on earlier practice, and looking to the future and what the institution will need as it evolves.

• (1540)

Viscount Whitelaw, who held the position of the Lord President of the Council in Westminster, stated in 1984 that:

I have learnt that a certain flexibility, together with a certain understanding of convention, has worked much to the benefit of this House.

I wholeheartedly endorse that sentiment and will come back to it when I have the opportunity to address the Senate on Bill C-4, the ethics bill.

It is my hope that this open approach to establishing the Senate's function within Parliament will have a continuously rejuvenating effect on the Senate and will sustain our role as an institution that is dedicated fundamentally to preserving democracy.

Honourable senators, every government assumes office with different perspectives and priorities. Each government establishes its own goals and its own methods to achieve those goals. So it is with the Speech from the Throne read in this chamber on February 2, 2004. This government is committed publicly to changing the face of Parliament and the way in which parliamentarians interact with the executive. This government has pledged to open the channels of discussion, to be more inclusive and consensus-building in reaching decisions and, in its first week, introduced guidelines on democratic reform. This type of democratic reformation of the way in which the government interacts with its own members and members of the opposition in the other place raises questions for members of this chamber.

Committees in the House of Commons will be further empowered under these changes because many bills will be sent for committee scrutiny after first reading rather than after second reading, when the shape and intent of the bill has already largely been determined. With this earlier intervention by committee members, the government will be able to avail itself of the views of members of Parliament, both on the government and opposition sides, who are well versed in the issues in question raised by the bill. The government will be able to incorporate the amendments that it sees as meritorious before second reading, when again the bill will be debatable on the floor of the House.

What are the implications for senators of this new procedure? Where will the Senate stand now that bills will have a more thorough review and arrive in this chamber with more of a consensus of the elected members?

Since the Second World War, the Senate has regularly used the pre-study device to look at bills that have been part of the legislative process in the other place, but which have not yet completed legislative review and have not moved to the Senate.

As honourable senators are aware, other bicameral legislatures around the world are able to study bills concurrently. Pre-study of bills in the Senate was inaugurated in 1943 by the then Leader of the Government in the Senate, the Honourable James Horace King. Initially, pre-study was conducted by the Standing Senate Committee on Banking, Trade and Commerce, but since then other committees have availed themselves of this procedure.

The Honourable Paul Martin Senior, when Leader of the Government, defended the practice of pre-study, stating:

We are not dealing with the principle of the said bill, we are anticipating the bill.

The practice was used frequently by Senator Hayden 30 years ago and remains an option open to honourable members. Pre-study does not restrict the legislative options of senators, but it does assist in mitigating the workload of senators when a large number of bills are referred by the other place within a short span of time.

While there are opportunities afforded by pre-study, there are, of course, concerns. One consequence of early intervention in the legislative process is that the Senate appears less active because the majority of debates over legislation have been resolved earlier, when amendments were made in the House of Commons following our pre-study phase.

When my predecessor, the Honourable Allan J. MacEachen, opined on pre-study, he withheld his approval of the procedure, believing it best that the Senate not pre-study bills but rather that it be true to its nature as a chamber of sober second thought and study legislation following established process. However, there remain times when pre-study is found to be a valuable legislative tool.

As many honourable senators will recall, the pre-study option was used recently during the study of an anti-terrorism bill that had become a priority for the government in the wake of events that occurred in the United States of America on September 11.

Other questions will arise with respect to the implementation of the ideal of democratic reform. How will this change our engagement with the other place — our review role? Can we both pre-study and post-study the same bill? I respectfully submit these issues, which do not comprise an exhaustive list of the implications of democratic reform, for the consideration of honourable senators in the coming months.

[Translation]

Honourable senators, as you know, my counterpart in the other place, the Honourable Jacques Saada, will be responsible for democratic reform. I will meet with him regularly to talk about the repercussions that democratic reform will have on the Senate.

[English]

I am sure that senators have their views on the evolution of their role as legislators, and I have considerable interest in hearing the views of my colleagues. I hope that this topic will stimulate much debate among senators and that they will be able, collectively, to make a contribution in establishing the direction of our new roles.

Honourable senators, this new government has established priorities in three areas that it believes are of paramount importance to the Canadian people. We will work to strengthen our social foundations, build a 21st century economy and ensure Canada's role in the world. These concerns will guide our legislative and policy agenda.

As we work toward these goals, this government will be measured by the ways in which it conducts itself using the criteria of transparency, accountability, financial responsibility and ethical conduct.

Four new parliamentary secretary positions have been created to support the Prime Minister on these key government priorities. The Parliamentary Secretary for Canada-U.S. relations will support the Prime Minister in developing an integrated approach to our relations with the United States and work to enhance cooperation between our governments as we maintain our own national values and observe the wishes of the Canadian people.

The Parliamentary Secretary for cities will work with the Prime Minister to improve communications between our cities and the federal government and work to develop better strategies for dealing with the challenges that our cities are now facing.

The Parliamentary Secretary for Science and Small Business will work with the National Science Adviser to examine ways in which science can be applied to help our small businesses become more productive and gain better access to research expertise.

The Parliamentary Secretary for Aboriginal Affairs will work with the Cabinet Committee on Aboriginal Affairs and with the Aboriginal Affairs Secretariat in the Privy Council Office to make more rapid progress on Aboriginal issues and to improve the effectiveness of the government's Aboriginal policies.

All parliamentary secretaries are assuming enhanced roles and will be more active on policy issues associated with their files.

In 1997-98, the Liberal government was able to balance the books of the country and this has been "a watershed event," in the words of my colleague the Minister of Finance. Since then, we have had six consecutive budget surpluses. We have reduced our national debt by \$52 billion during those six years, and the net result is that today we are paying \$3 billion less in interest payments on that debt. Canada has moved in rank from the second-worst G7 country in terms of debt-to-GDP ratio to the second-best.

Responsible fiscal management entails not only managing the debt but also using our financial resources to build a better country. Since balancing the budget, we have been in a better position to make decisions on our national priorities, to shore up our social foundations and to decide our objectives as we build for the next generation.

A great deal of credit for our current economic prosperity is due to our new Prime Minister, the Right Honourable Paul Martin. As Minister of Finance, he presided over decisions that had tough consequences for the Canadian people but which have been proven to benefit the common weal. None of this would have been possible, of course, without the full support of the former Prime Minister, the Right Honourable Jean Chrétien. Mr. Chrétien has been a remarkable servant of the people of Canada for four decades, and all Canadians wish for him a happy and fruitful retirement. Without the Right Honourable Jean Chrétien and the leadership he has shown, together with the ability and personal convictions of the Right Honourable Paul Martin, I believe our country would be far less prosperous than it is today.

[Senator Austin]

Notwithstanding the remarkable progress we have made in the last decade, many challenges, of course, remain. Last year, Canada suffered many blows to our economy: an outbreak of severe acute respiratory syndrome in Toronto; a power blackout across Ontario; a hurricane in Atlantic Canada; mad cow disease across Western Canada; and devastating forest fires in my home province of British Columbia. These events are changing the way that different levels of government in the nation are interacting with each other.

As honourable senators know, the Prime Minister recently held a First Ministers meeting, the first of many in a process of what he describes as "forging a renewed and productive partnership." This re-definition of federal, provincial and territorial roles will impact Canadians over the long term as they discover how they want the dialogue between first ministers, mayors, the federal public service and members of Parliament, including the Senate, to unfold.

• (1550)

These disasters took a toll not only on our economy but also on Canadians. The government is acutely aware of the burden that these events have placed upon Canadians and the extent to which they have been affected both in terms of their livelihood and their general well-being. I also think that Canadians can appreciate that the trouble caused by these events could have been far worse had this country still been struggling under a \$40 billion deficit.

The economy grew only half as much as was forecasted for 2003 as a result of these developments but employment growth is strong, exports are increasing, consumer and business spending is increasing and interest rates remain low. The last federal budget was made under economic forecasts of 3.5 per cent growth. Private forecasters now predict that Canada will likely reach 3 per cent this year. The difference leaves a sizable gap relative to Canada's potential performance. This differential will have an impact on our fiscal situation until the economy closes that gap.

At the present time, there is \$2.3 billion in what was a \$3 billion contingency reserve. The current government is undertaking immediate steps to reassess its financial position and to meet established priorities, including scrutinizing expenditures and placing a freeze on new capital spending and on the size of the public service. We are seeking ways to maintain payments on the debt to bring our debt-to-GDP ratio to 25 per cent so that we retain credibility on international markets.

The creation of an expenditure review committee is key to achieving our financial goals. This committee will review all spending to ensure that taxpayers' dollars are spent prudently and with confidence, and that each expenditure is necessary. I can understand that these economic plans leave some opponents sceptical of the commitment to fiscal prudence. Our budget is approximately \$180 billion. However, if we were to miscalculate revenues by only 2 per cent, that could affect our budget by \$3.5 billion. Attention to our financial situation is always necessary, despite what may appear to be a secure and rosy economic forecast.

These measures were taken to balance the books and to ensure that the \$2 billion in surplus promised to the provinces and territories for health care will be available. Health care is a top priority for Canadians. The Prime Minister is committed to providing timely access to quality care, regardless of income or geography, as spelled out in the principles of the Canada Health Act. Health care is a local issue and has international ramifications, and so we are establishing a Canadian public health agency. This new agency will work with its counterparts around the world and will organize our experts here at home to deal with health emergencies.

Canadians have always felt a moral obligation to help those in less fortunate circumstances and our former Prime Minister has made great strides on that front. In recognition of his work, we are introducing the Jean Chrétien pledge to Africa act, which will provide low-cost anti-HIV/AIDS drugs to African countries so that they might better resolve a serious and current threat to their own public health.

We are establishing government priorities but we also want to hear from Canadians about their priorities. To this end, the Minister of Finance, the Honourable Ralph Goodale, has been conducting pre-budget consultations for 2004. We have many issues that are priorities for Canadians: health care, education, the needs of an aging population, building an innovative economy and many other issues. Establishing the importance of these issues will require on-going engagement with people from coast to coast to coast.

Education is a priority for Canadians and we are providing a new grant program to provide savings for post-secondary education. We will reorganize the student grant and loan program to help students better cope with student debt and to help low-income students with a first-year education grant.

Another priority identified by the government is our nation's cities, which will require more of our attention as they contend with new demands on their budgets and infrastructures. In the Speech from the Throne, the government committed to instituting a new policy for our cities whereby they will no longer pay GST. This will amount to a rebate for cities of \$7 billion over 10 years. We will continue to work with our municipalities to ensure that they are able to provide better housing, transit and roads and to improve the overall quality of life for their residents.

I would like to quote the Prime Minister speaking to one of our most important commitments. He said:

The Speech from the Throne sets out an ambitious agenda on air, water and climate change. It reaffirms our intention to meet the Kyoto challenge — and it makes environmental technologies an important part of both our economic and social agenda. We must be ambitious if we are to leave the planet in better shape for future generations.

The initiative to clean up the Sydney tar ponds prominently illustrates how serious this government is about protecting our environment and the urban environments in which most of us live. Due to the preponderance of Canadians living in urban centres, our cities are important to Canadians but they also identify strongly with the provinces in which they live.

It is with some pride that I speak of my own home province, its energy, beauty and diversity. Since British Columbia joined Confederation in 1871, bringing to Canada one of the most scenic and physically beautiful areas of Canada, British Columbians from every corner of the globe have worked to create one of the most hospitable communities to be found anywhere. We inherited vast forests and its development has founded the industry that is sustained today. Our mines have built such communities as Kimberley and Trail and our fishing industries have built such communities as Prince Rupert and Campbell River. Today our universities are incubators of new technologies and value-added employment.

Last week *The Economist's* Intelligence Unit, their business branch, released the result of their worldwide 2003 survey of cities, giving Vancouver, my home, the top rating for the best city in which to live in the entire world. It also gave the same rating to Melbourne, Australia, and Vienna, Austria. Montreal rated 6th, Toronto 13th and Calgary 16th — all very high. Factors taken into account were scenic beauty, environment, transportation, health services, personal safety and cultural activity.

While such recognition for Canada and Canadian cities is welcome, we know full well that we have major problems in infrastructure, crime protection, health care, education and social services to vulnerable citizens, to name just a few. A pat on the back by *The Economist* should be seen as further incentive to address our essential domestic problems and make Canada an even more socially just society.

As the Speech from the Throne acknowledges, Canada and British Columbia have secured the 2010 Winter Olympic Games for Vancouver-Whistler. It is a challenge to meet very high standards and an opportunity to place both Canada and British Columbia very high indeed in world recognition.

My province still faces many challenges. As honourable senators may know, British Columbia has moved over the past few years from a contributor to a recipient of equalization payments. This has been a difficult adjustment for the people of British Columbia. In the Speech from the Throne given in the British Columbia legislature earlier this week, and in the budget brought down this week as well, the provincial government has pledged itself to balance its revenues and expenditures in fiscal 2004-05. The Government of Canada is also committed to ensuring the stability and growth of British Columbia and many recent announcements of funding by the federal government have been made. The federal government has been in intense discussions on the subject of fisheries on the west coast and has taken legal action to help resolve the softwood lumber dispute.

Many new jobs will be created because of efforts by the federal government to bring the 2010 Winter Olympic Games to Vancouver. In addition, Vancouver is expanding its convention centre and the region is in the initial stages of constructing a state-of-the-art mass transit system, the Richmond-Airport-Vancouver Rapid Transit Line. All three projects have substantial funding committed by the federal government.

One of the interesting and promising projects currently under way is the cruise ship port-of-call in Campbell River. Funding is being provided to the Campbell River Indian Band and its partners. An estimated 150 jobs will be created and \$8.5 million will be generated annually from the project. This project is important despite the other cruise ship ports in the province because it will be able to offer cultural and outdoor tourist excursions that are not as available in the larger urban ports of Vancouver or Victoria.

Honourable senators may not be aware that the federal government now has under consideration the establishment of a national centre for disease control. Canada has been victimized by SARS, although gratefully no one died from that disease in British Columbia. Recently we have been concerned with avian flu and its appearance in Asia.

Canada's only centre for disease control has been operating in Vancouver since 1996. It has done superb work on SARS, and was first to identify its genomic structure.

• (1600)

The establishment of such a centre was recommended by the November 2003 Senate report of the Standing Senate Committee on Social Affairs, Science and Technology. I am committed to working for the establishment of the centre in Vancouver, based on the existing team and its expertise.

Our government will continue to make Aboriginal issues a priority, and will renew emphasis on focussing federal efforts in this area. The future of Aboriginal Canadians depends on the efforts that we make today. As many of you know, the population of Aboriginal youth is growing at a rapid rate. We cannot afford to miss the opportunity that this new population will present to us in terms of their potential. There are many success stories in Aboriginal communities as they themselves address social and economic issues. If these experiences are disseminated across the country, we will be able to greatly improve the futures of our Aboriginal children.

As honourable senators are aware, there is a new Cabinet Committee on Aboriginal Affairs that is chaired by the Prime Minister. In addition, a new Aboriginal Secretariat was created in the Privy Council Office. These developments illustrate the importance of Aboriginal affairs to our Prime Minister, and to my other cabinet colleagues, as we address ways to improve the relative standing of Aboriginal communities across our country and the prospects of Aboriginal businesses.

As honourable senators know, I have long had a special interest in Aboriginal affairs, and I feel very privileged to have been the sponsor for Bill C-9, the *Nisga'a Final Agreement Act*, five years ago here in the Senate. The federal government is actively involved in talks with other First Nations to draw up self-government agreements. We will undoubtedly see, in the near future, legislation affecting Canada's Aboriginals and First Nations. I hope that senators will continue to make contributions on this issue — contributions which have proven so valuable to past governments in guiding these issues.

I am confident, based on my experience with the Nisga'a people, that the Government of Canada, our First Nations and Aboriginal society will be successful in the future in creating better communities in which to live, and improving the lines of communication among all parties. The federal government is committed to reaching out to our First Nations and Aboriginals, and to forging new bonds so that their children will be able to more fully participate in the fabric of our country.

As a Minister representing British Columbia, I am particularly looking forward to building on established relationships we have with the West, and with my home province in particular. I would like to highlight a comment made by the Prime Minister at a town hall meeting last May in Vancouver — a comment that he repeated two weeks ago in Ottawa — on the importance of the western provinces to our nation.

In answer to a question on that topic, Prime Minister Martin replied:

When I step down as Prime Minister, when my mandate or my term has finished, if western alienation is then what it is now, then I will not consider myself to have succeeded as Prime Minister. That's how strongly I feel about this issue.

I believe that parliamentarians who represent Canadians residing in the western provinces — whether they sit on government or opposition benches — will be encouraged, as I am, by the significant store that this Prime Minister places in the voices that comprise Western Canada.

When we expand our purview of Canadian identity beyond Western Canada, we can see that Canada occupies a strategically advantageous neighbourhood: south of us is the United States of America, the strongest power in the world; north lies Russia, the country with the largest land mass and huge reserves of untapped resources, which also possesses the potential for a huge emerging economy; further south is Mexico, a highly populated country with whom we have a free trade agreement. Canada believes that there are immense benefits to be had from trade liberalization, and we have signed similar agreements with Chile and Costa Rica. In addition, we are in exploratory talks with five more South American countries.

Canada is an important member of the Organization of American States, the world's oldest regional organization. We have also recently served as chair of the Summit of the Americas for a successful three-year term. The Prime Minister recently

participated in the Special Summit of the Americas held in Monterrey, Mexico, where he was able to discuss issues important to Canada with the leaders of other countries in the western hemisphere.

To the east, Canada looks to its traditionally important ties to Europe, where European nationals left their countries to build our own new one. It is a region that holds a unique place in our history as a country; but I have too much respect for the innumerable ties we have to that continent to be able to do it justice now.

Across the Pacific are the countries of the Asia-Pacific region. At this period in our history, Canada is perfectly positioned to act as a gateway to North America for the Asia-Pacific countries. For some time now, the world's fastest growing economies have been in Asia. The government recognizes this, and will facilitate and build on what we have done in the past; but businesses must also take advantage of the opportunity presented to them by these thriving economies at this moment in history.

Among Asia-Pacific countries, Japan stands apart as a country with a great deal of might in the international arena. It holds huge foreign exchange reserves, possesses technological capacity beyond our current capabilities and has established trade networks beyond what we have been able to develop.

The Prime Minister mentioned, among other countries, China as another partner to whom we should look to secure our own place in the future. Two years ago, China was welcomed into the World Trade Organization. Despite the fact that many of our largest companies, as well as many smaller ones, now do business in China, Canada has yet to sufficiently capitalize on the partnerships it shares with China.

Moreover, Canada is in the fortunate position of having access to untapped reserves of moral capital in the Chinese people, based on our long mutual historical involvement: from wheat trade, from Dr. Bethune's famous humanitarian work, and many political exchanges. The Right Honourable Pierre Elliott Trudeau established ties with China, and our most recent prime minister, the Right Honourable Jean Chrétien, visited China six times in addition to acting as host to Chinese delegations five times.

The honourable Lloyd Axworthy, former Minister of Foreign Affairs under Prime Minister Chrétien, writes in his recent book that:

The Prime Minister took a special interest in establishing good ties with the Chinese regime, for he saw China as a major opportunity to advance our trade interests... It did... provide the template for a policy of engagement on human rights that extended to many countries, including Cuba and Indonesia.

Chinese Premier Wen Jiabao, on a recent visit to Canada, gave a special message to the Right Honourable Jean Chrétien on the last day that he was Prime Minister. It was calligraphy, written by Premier Jiabao, with the message "Canada-China friendship will endure forever."

Canadian businesses must be attentive to these overtures, and become more focused on business opportunities in the Far East, and particularly in China, because it is a country that very much needs our help and expertise. Last year, Canadian imports from China were at \$16 billion while our exports were only at \$3.6 billion. This disparity presents a real opportunity for Canadians, yet Canada has not been competitive in maintaining growth in investments and exports to China.

China is a country that is energy scarce and needs not only our resources but our pulp and machinery industry, our scientific expertise, our educated population, and our proficiency in imparting ways to other nations on how to educate their own populations. Over the years, Canada has welcomed tens of thousands of students from China, evidence that they hold our educational institutions in high esteem. If Canada can seize the opportunities presented to it in China, it will prove to the benefit of both the Chinese and Canadian people. This government will continue to foster relations with China, as previous governments have, and we look forward to even more growth in social and economic trade.

Canada must also work more closely with member countries of the Association of Southeast Asian Nations and India. With a population of over half a billion people, not including India or China, we cannot afford to overlook the importance of such a significant emerging region. The ASEAN+3 Forum — which includes China, Japan and Korea — is an association even more critical to the future prosperity of our own country.

In a 1997 meeting in Kuala Lumpur, the member nations of ASEAN articulated their goals for their own region — goals that are coincident with our ambitions for our nation.

Nowhere is the need for diversification more important than in my home province of British Columbia, but every region of Canada has benefited and will continue to benefit from building trade relations with these great powers. This year, we celebrate the 75th anniversary of Canada-Japan diplomatic relations. Japan is our second-largest trading partner, and is currently in the midst of reassessing its approach to trade policy.

• (1610)

China is our third-largest trading partner, and well over 400 companies from Canada have a permanent presence in that country. These factors bode well for Canada at a time when China, together with the entire region, is rapidly emerging as an economic engine to challenge more traditional global economies.

I am now coming to a conclusion — which I know creates great disappointment among my colleagues.

Some Hon. Senators: More, more!

Senator Austin: That is good. Okay.

Canada is a fortunate country —

[Senator Austin]

Senator St. Germain: Read it again.

Senator Austin: Our economy allows us to participate at some of the most influential meetings in the world. We are a member of the G7, G8, G20, the World Trade Organization, the International Monetary Fund, and for the past eight years the Secretary-General to the Organization for Economic Development has been our own Donald Johnston.

[Translation]

The people of this country are also in an enviable geopolitical position. We do not seek political controversy but rather we seek to build partnerships with other nations.

[English]

We believe in quiet diplomacy, and we have reached many humanitarian goals under circumstances where utilizing other means would have exacerbated hostile conditions. Nevertheless, we have not neglected our duties when allies or the values we uphold have been threatened. We have fought with distinction in world wars, and today we have troops around the world who are protecting peace and defending nascent democratic governments.

Canada has always been a country that is traditionally strong on multilateralism and building alliances to promote Canadian values abroad. We have built a multicultural society, which gives us inherent ties to many other countries and which has created a tolerant nation that supports and defends the rights of all its people.

The significant role we played in the past on the world stage should benefit us as we look ahead and assess where our country can play a role in the future. Because we are a nation of immigrants, we have a wealth of resources on which we can draw. We can use our multiculturalism to establish new ties with other countries, to re-establish old ties and as a springboard to new opportunities as yet unforeseen. We must remain outward looking and combat policies of isolationism and insularity wherever we see them, particularly at home.

The Senate must play a role in advancing all of these interests honourable senators, for these are the interests of the Canadian people.

Hon. Gerry St. Germain: Would the honourable senator entertain a question?

Senator Austin: I would be delighted to take a question.

Senator St. Germain: The honourable senator made reference to the fact that Senator Chalifoux was the first Metis senator appointed to this place.

An Hon. Senator: Female.

Senator St. Germain: The government leader said “senator,” I believe; I do not think he said “female.” For the record, Prime Minister Brian Mulroney named the first Metis senator to this place, being me, and, secondly, Prime Minister Brian Mulroney named the first Lieutenant Governor to the Province of Manitoba who was a Metis. That should be on the record.

The honourable senator did not make reference in his speech to the development of offshore resources in British Columbia, which is key. There is a report by three eminent professors on the safe ability to develop offshore resources. We would be remiss, being a have-not province at the moment, if we did not look into this. I wonder if this was left out intentionally.

Senator Austin: Honourable senators, I am grateful to the honourable senator for correcting me. I am delighted that he is the first Metis in the chamber, and I will correct the record to say “female,” and I will, with your permission, also add to Hansard your name as the first Metis senator.

Senator Kinsella: The first male.

Senator Austin: On the question of the recent report of the royal society, I wanted to leave that to allow the honourable senator to question me further during Question Period. This is not the time for extended questions. I know he will come back to it.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): I was delighted to hear the government leader draw our attention to the practice of pre-study. I am wondering, given the work that this chamber has already done in the area of whistle-blowing legislation, and given what appears to be the interest of the current president of the Treasury Board to provide whistle-blowing protection to public servants, if the minister would underscore this mechanism. If the government came forward with a whistle-blowing bill right away, given our experience, that would be excellent, because everyone is interested in having that expedited. We need that legislation. We could do a pre-study on whistle-blowing legislation, so that it could be in force in three weeks’ time.

Senator Austin: Honourable senators, I like the suggestion; I shall discuss it with my colleagues. I will then be in a position to respond in a more specific way. I hope the honourable senator will be able to encourage his colleagues to be agreeable to moving his suggestion forward.

On motion of Senator Kinsella, debate adjourned.

OFFICIAL LANGUAGES ACT

**BILL TO AMEND—SECOND READING—
DEBATE CONTINUED**

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Gill, for the second reading of Bill S-4, to amend the Official Languages Act (promotion of English and French).
—(Honourable Senator Stratton).

Hon. Maria Chaput: Honourable senators, I rise today to endorse the remarks of the Honourable Senator Gauthier and the Honourable Senator Poulin on Bill S-4, which aims to clarify the scope of section 41 of Part VII of the Official Languages Act in order to make it enforceable.

[Translation]

This is the third bill on this subject that Senator Gauthier has presented in the Senate during the last three parliamentary sessions.

My remarks will be brief and will focus on how important it is that we pass legislation making clear the imperative nature of the commitment set out in Part VII of the Act.

In general, public service managers misunderstand sections 41 and 42 of the Official Languages Act. Many of them see in these sections only the minimum requirements with respect to the delivery of services in both official languages. Usually, these managers believe that primary responsibility for the promotion of this linguistic duality lies with the Department of Canadian Heritage, not with them. Bill S-4 states not only the nature of this commitment, but also the duties of federal institutions in implementing it.

The federal government’s weakness is not, perhaps, in its resolve, but in the application of that resolve, which necessitates recognizing the duties of federal departments and practices that are mandatory in enforcing Part VII of the Official Languages Act.

As you know, the wheels of government turn slowly at times, because of a failure to understand what Canadians want done. That is why official language minority communities have long been demanding that the government take action, make a firm commitment and foster their development.

That is the message I want to send today, in support of the bill presented by the Honourable Senator Gauthier.

• (1620)

[English]

I am confident that the Senate will respect its constitutional mandate to protect, defend and promote in a timely fashion the rights of all minorities and to represent the regions.

On motion of Senator Chaput, for Senator Stratton, debate adjourned.

SPAM CONTROL BILL

SECOND READING—DEBATE ADJOURNED

On the Order:

Resuming debate on the motion of the Honourable Senator Oliver, seconded by the Honourable Senator Gustafson, for the second reading of Bill S-2, to prevent unsolicited messages on the Internet.—(Honourable Senator Rompkey, P.C.).

Hon. Lorna Milne: Honourable senators, I rise unexpectedly to speak to Bill S-2, which is sponsored by the Honourable Senator Oliver. I support this bill, which seeks to find a way to prevent what is commonly called spam. Spam interferes not only with normal e-mail messages that people receive in their offices and while on the Internet, which is often used for genealogical purposes, but it also interferes with international research and grossly affects those people who, in this interconnected age, work at home.

The nature of employment in Canada is changing these days. Most people work for small- and medium-sized enterprises, and more and more of these employees are working at least part of the time from their homes, thanks to the Internet. Because of the Internet, parents are able to work from home, earn a salary and still look after their children, which is a great advantage, but the exponential growth of spam is interfering with that ability. It is interfering with work not only at home but in offices, and not only in corporations but here on the Hill.

MPs offices, I understand, must delete thousands of spam messages every week. In fact, right now the Senate is under attack, and this is why I am rising to my feet to speak today. By four o'clock this afternoon, my office had received more than 450 spam messages under three or four different titles, but the message in each one of them is the same. Thanks to Senate Information Management, which is working on the problem, the

stream of messages has slowed down. They are working to block the sources. The House of Commons, I understand, has not been affected.

This problem of spam is increasing day by day. For that reason, I strongly support Senator Oliver's bill.

On motion of Senator Poulin, debate adjourned.

BUSINESS OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, if His Honour were to poll the Senate, he might find agreement to stand all other items on the Order Paper in their place until tomorrow.

The Hon. the Speaker: Honourable senators, further to Senator Rompkey's intervention, is there agreement to stand all remaining items on the Order Paper and that they stand in their place until the next sitting of the Senate?

Hon. Senators: Agreed.

The Senate adjourned until Thursday, February 19, 2004, at 1:30 p.m.

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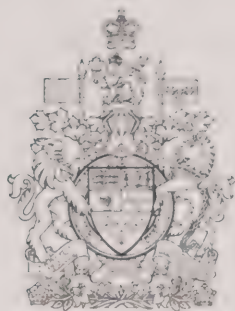
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• VOLUME 141

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OFFICIAL REPORT
(HANSARD)

Thursday, February 19, 2004

THE HONOURABLE DAN HAYS
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Thursday, February 19, 2004

The Senate met at 1:30 p.m., the Speaker *pro tempore* in the Chair.

Prayers.

SENATORS' STATEMENTS

CITIZENSHIP ACT, 1977

REINSTATEMENT OF RESIDENTS WHO LOST CITIZENSHIP

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the time has come for the Senate of Canada to take leadership in righting a terrible wrong that has victimized a very special group of persons.

Honourable senators, I am speaking of Canada's lost children. These are children who were born in Canada but who lost their right to Canadian citizenship because of a terrible provision contained in the 1947 Canadian Citizenship Act. This statute, which was replaced by the 1977 act, resulted in citizens born in Canada between 1947 and 1977 being deprived of their citizenship if their father took the citizenship of another country during that period.

Given that the human rights values embraced by all Canadians as articulated by the United Nations Convention on the Rights of the Child, which speaks to the fact that children are neither chattel nor property, I call upon the Senate to intervene, using all means, to facilitate redress through executive action or legislative action to a terrible wrong.

Everyone has the right to a nationality, and persons born in Canada must not be allowed to remain Canada's lost children.

Hon. Senators: Hear, hear!

CONSERVATIVE PARTY LEADERSHIP

SUPPORTERS OF BELINDA STRONACH TEAM

Hon. John G. Bryden: Honourable senators, as I was looking at the morning paper, the *National Post*, a favourite of mine, I could not help but bring to mind some of the statements made on the side opposite yesterday. It reminded me of the old adage: Those who live in glass houses should not throw stones. I should like to quote to honourable senators from the article that brought that adage to mind. The headline is "Stronach wary of disgraced Tories." It is written by Irwin Block, dateline Montreal. The subheading is: "They don't work for us." The article states:

Belinda Stronach has distanced herself from three former Tories with checkered pasts who are helping build support in Quebec for her Conservative party leadership bid.

Ms. Stronach said yesterday that two former MPs who endorsed her are not part of her campaign team but are simply among a flood of people who want her to lead the new party.

The two men — Gabriel Fontaine and Michel Côté announced last week they were backing her candidacy.

"They don't work for us, they're supporters, I guess. They came out," Ms. Stronach said after a mid-morning meeting with Montreal *Gazette* publisher Larry Smith, who at one point had contemplated seeking the job himself.

Both Mr. Fontaine and Mr. Côté saw their political careers end in scandal. Mr. Fontaine was convicted in 1999 of defrauding taxpayers of \$100,000. Mr. Côté, a former industry minister, was fired by then prime minister Brian Mulroney in 1988 for breaching conflict of interest rules.

In a brief interview, Ms. Stronach suggested her staff has not had time to check on all the former Tories who have offered help. "We've been overwhelmed by the support," she said.

Ms. Stronach also said she had no prior knowledge that a prominent Montreal lawyer who was convicted in the United States last year on charges of conspiracy and falsifying documents in connection with the US\$17-million stock-manipulation scheme was co-hosting a reception in her honour, held last night.

She had no idea he was hosting the reception that she had last night in Montreal.

Harry Bloomfield, who ran against Pierre Elliott Trudeau and was a director of the Business Development Bank of Canada, told the *National Post* he had been asked by Conservative Senator David Angus to co-sponsor last night's reception.

An. Hon. Senator: Shame!

Senator Bryden: The article states that Ms. Stronach made it clear —

Senator Kinsella: Order! Sit down! Order!

Senator St. Germain: Three cheers for Belinda!

The Hon. The Speaker pro tempore: I regret to inform the Honourable Senator Bryden that his time has expired.

[Translation]

CRIMINAL CODE

SUPREME COURT RULING IN SECTION 43

Hon. Gérard-A. Beaudoin: Honourable senators, in late January 2004, the Supreme Court of Canada handed down a decision on section 43 of the Criminal Code, concerning corporal punishment that may be used against children. The court began by affirming that no child under two and no adolescent should be subject to corporal punishment.

The Supreme Court listed punishments that must not be used, and rightly prohibited slaps or blows to the head, the use of sticks, whips, belts, electrical wires and other objects which had been tolerated by section 43. Of course, that goes without saying.

I am very pleased that the Supreme Court eliminated this kind of punishment; it was high time. But I dream of the day when we can say that all corporal punishment of children must be eliminated. We must find other ways of bringing up children, of that I am certain. We must use methods of discipline other than corporal punishment. We are slowly becoming civilized.

• (1340)

[English]

ROUTINE PROCEEDINGS

THE ESTIMATES, 2003-04

SUPPLEMENTARY ESTIMATES (B) TABLED

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, two copies of the Supplementary Estimates (B) 2003-04 for the fiscal year ending March 31, 2004.

[Translation]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

THIRD REPORT OF COMMITTEE PRESENTED

Hon. Lise Bacon, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, February 19, 2004

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

THIRD REPORT

Your Committee recommends that the following funds be released for fiscal year 2003-2004.

Transport and Communications (Legislation)

Professional and Other Services	\$ 4,800
Transportation and Communications	\$ 0
Other Expenditures	\$ 500
Total	\$ 5,300

Respectfully submitted,

LISE BACON
Chair

The Hon. the Speaker pro tempore: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Bacon, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

COMMITTEE OF SELECTION

THIRD REPORT OF COMMITTEE PRESENTED

Hon. Rose-Marie Losier-Cool, Chair of the Committee of Selection, presented the following report:

Thursday, February 19, 2004

The Committee of Selection has the honour to present its

THIRD REPORT

Your Committee recommends a change of membership to the following committee:

Standing Senate Committee on Human Rights

The Honourable Senator Plamondon replaces the Honourable Senator Mercer as a member of the Standing Senate Committee on Human Rights.

Respectfully submitted,

ROSE-MARIE LOSIER-COOL
Chair

The Hon. the Speaker pro tempore: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Losier-Cool, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

SCRUTINY OF REGULATIONS

FIRST REPORT OF COMMITTEE PRESENTED

Hon. Céline Hervieux-Payette, Chair of the Standing Joint Committee for the Scrutiny of Regulations, presented the following report:

Thursday, February 19, 2004

The Standing Joint Committee for the Scrutiny of Regulations has the honour to present its

FIRST REPORT

Your Committee reports that in relation to its permanent reference, section 19 of the *Statutory Instruments Act*, R.S.C. 1985, c. S-22, the Committee was previously empowered "to study the means by which Parliament can better oversee the government regulatory process and in particular to enquire into and report upon:

1. the appropriate principles and practices to be observed
 - a) in the drafting of powers enabling delegates of Parliament to make subordinate laws;
 - b) in the enactment of statutory instruments;
 - c) in the use of executive regulation — including delegated powers and subordinate laws;

and the manner in which Parliamentary control should be effected in respect of the same;

2. the role, functions and powers of the Standing Joint Committee for the Scrutiny of Regulations."

Your Committee recommends that the same order of reference together with the evidence adduced thereon during previous sessions be again referred to it.

Your Committee informs both Houses of Parliament that the criteria it will use for the review and scrutiny of statutory instruments are the following:

Whether any Regulation or other statutory instrument within its terms of reference, in the judgement of the Committee:

1. is not authorized by the terms of the enabling legislation or has not complied with any condition set forth in the legislation;
2. is not in conformity with the Canadian Charter of Rights and Freedoms or the Canadian Bill of Rights;
3. purports to have retroactive effect without express authority having been provided for in the enabling legislation;
4. imposes a charge on the public revenues or requires payment to be made to the Crown or to any other authority, or prescribes the amount of any such charge or payment, without express authority having been provided for in the enabling legislation;

5. imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;
6. tends directly or indirectly to exclude the jurisdiction of the courts without express authority having been provided for in the enabling legislation;
7. has not complied with the *Statutory Instruments Act* with respect to transmission, registration or publication;
8. appears for any reason to infringe the rule of law;
9. trespasses unduly on rights and liberties;
10. makes the rights and liberties of the person unduly dependent on administrative discretion or is not consistent with the rules of natural justice;
11. makes some unusual or unexpected use of the powers conferred by the enabling legislation;
12. amounts to the exercise of a substantive legislative power properly the subject of direct parliamentary enactment;
13. is defective in its drafting or for any other reason requires elucidation as to its form or purport.

Your Committee recommends that its quorum be fixed at 4 members, provided that both Houses are represented whenever a vote, resolution or other decision is taken, and that the Joint Chairmen be authorized to hold meetings to receive evidence and authorize the printing thereof so long as 3 members are present, provided that both Houses are represented; and, that the Committee have power to engage the services of such expert staff, and such stenographic and clerical staff as may be required.

Your Committee further recommends to the Senate that it be empowered to sit during sittings and adjournments of the Senate.

Your Committee, which was also authorized by the Senate to incur expenses in connection with its permanent reference relating to the review and scrutiny of statutory instruments, reports, pursuant to Rule 104 of the *Rules of the Senate*, that the expenses of the Committee (Senate portion) during the Second Session of the Thirty-seventh Parliament were as follows:

Professional and Other Services	\$ 14,149
Transport and Communications	\$ 0
All Other Expenses	\$ 11,490
Total	\$ 25,639

A copy of the relevant Minutes of Proceedings and Evidence (Issue No. 1, Third Session, Thirty-seventh Parliament) is tabled in the House of Commons.

Respectfully submitted,

CÉLINE HERVIEUX-PAYETTE, P.C.
Joint Chair

The Hon. the Speaker pro tempore: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Hervieux-Payette, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[English]

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET—REPORT OF COMMITTEE ON STUDY ON EMERGING ISSUES RELATED TO MANDATE PRESENTED

Hon. Tommy Banks, Chair of the Standing Senate Committee on Energy, the Environment and Natural Resources, presented the following report:

Thursday, February 19, 2004

The Standing Senate Committee on Energy, the Environment and Natural Resources has the honour to present its

SECOND REPORT

Your Committee, was authorized by the Senate on February 10, 2004, to examine and report on emerging issues related to its mandate.

Pursuant to Section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

TOMMY BANKS
Chair

(For text of budget, see today's Journals of the Senate, Appendix A, p. 159.)

The Hon. the Speaker pro tempore: Honourable senators, when shall this report be taken into consideration?

Senator Banks: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(g), I move that the report be placed on the Orders of the Day for consideration later this day.

Senator Lynch-Staunton: Explain.

Senator Banks: The budget, which is included in this report, contemplates attendance at a conference at the end of March which requires that travel and hotel arrangements be made forthwith. It is one of those situations in which a day will literally make a difference.

The Hon. the Speaker pro tempore: Honourable senators, is leave granted?

Senator Lynch-Staunton: No.

The Hon. the Speaker pro tempore: Leave is not granted.

On motion of Senator Banks, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

TRANSPORT AND COMMUNICATIONS

BUDGET—REPORT OF COMMITTEE ON STUDY OF MEDIA INDUSTRIES PRESENTED

Hon. Joan Fraser, Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Thursday, February 19, 2004

The Standing Senate Committee on Transport and Communications has the honour to present its

SECOND REPORT

Your Committee, which was authorized by the Senate on Friday, February 13, 2004, to examine and report on the current state of Canadian media industries; emerging trends and developments in these industries; the media's role, rights, and responsibilities in Canadian society; and current and appropriate future policies relating thereto, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary for the purpose of such study.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

JOAN FRASER
Chair

(For text of budget, see today's Journals of the Senate, Appendix B, p. 167.)

The Hon. the Speaker pro tempore: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Fraser, report placed on Orders of the Day for consideration at the next sitting of the Senate.

NATIONAL SECURITY AND DEFENCE

[English]

BUDGET—REPORT OF COMMITTEE ON STUDY OF
NEED FOR NATIONAL SECURITY POLICY PRESENTED

Hon. Colin Kenny, Chairman of the Standing Senate Committee on National Security and Defence, presented the following report:

Thursday, February 19, 2004

The Standing Senate Committee on National Security and Defence has the honour to present its

SECOND REPORT

Your Committee, which was authorized by the Senate on Friday, February 13, 2004, to examine and report on the need for a national security policy for Canada, respectfully requests that it be empowered to engage the services of such counsel and technical, clerical and other personnel as may be necessary, and to adjourn from place to place within Canada and to travel inside and outside of Canada, for the purpose of such study.

Pursuant to Section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

COLIN KENNY
Chair

(For text of budget, see today's Journals of the Senate, Appendix C, p. 173.)

The Hon. the Speaker pro tempore: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Kenny, report placed on Orders of the day for consideration at the next sitting of the Senate.

[Translation]

FISHERIES AND OCEANS

REPORT PURSUANT TO RULE 104 TABLED

Hon. Gerald J. Comeau: Honourable senators, pursuant to rule 104 of the *Rules of Senate*, I have the honour to table the first report of the Standing Senate Committee on Fisheries and Oceans, regarding the expenses incurred by the committee during the Second Session of the Thirty-seventh Parliament.

(For text of report, see page of today's Journals of the Senate.)

THE ESTIMATES, 2003-04

NOTICE OF MOTION TO AUTHORIZE
NATIONAL FINANCE COMMITTEE
TO STUDY SUPPLEMENTARY ESTIMATES (B)

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I give notice that tomorrow, Friday, February 20, 2004, I will move:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (B) for the fiscal year ending March 31, 2004, with the exception of Parliament vote 10b.

NOTICE OF MOTION TO REFER VOTE 10B OF
SUPPLEMENTARY ESTIMATES (B) TO STANDING JOINT
COMMITTEE ON LIBRARY OF PARLIAMENT

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I give notice that tomorrow, Friday, February 20, 2004, I will move:

That the Standing Joint Committee on the Library of Parliament be authorized to examine the expenditures set out in Parliament vote 10b of the Supplementary Estimates (B) for the fiscal year ending March 31, 2004; and

That a message be sent to the House of Commons to acquaint that House accordingly.

THE SENATE

SENATORS APPOINTED
TO JOINT COMMITTEES—MESSAGE TO COMMONS
NOTICE OF MOTION

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I give notice that tomorrow, Friday, February 20, 2004, I will move, in accordance with rule 59(18):

That a message be sent to the House of Commons to acquaint that House of the names of the honourable senators appointed to serve on the Standing Joint Committees as reported in the second report of the Committee of Selection, adopted February 3, 2004.

• (1350)

FEDERAL NOMINATIONS BILL

FIRST READING

Hon. Terry Stratton presented Bill S-13, to provide for increased transparency and objectivity in the selection of suitable individuals to be named to serve in high public positions.

Bill read first time.

The Hon. the Speaker *pro tempore*: When shall this bill be read the second time?

On motion of Senator Stratton, bill placed on Orders of the Day for second reading two days hence.

OFFICIAL LANGUAGES

BILINGUAL STATUS OF CITY OF OTTAWA— PRESENTATION OF PETITIONS

Hon. Joan Fraser: Honourable senators, pursuant to rule 4(h), I have the honour to table petitions from 95 persons asking that Ottawa, the capital of Canada, be declared a bilingual city, reflecting the duality of the country. The petitioners ask Parliament to consider the following points:

That the Canadian Constitution of Canada provides that English and French are the two official languages of our country and have equality of status and equal rights and privileges as to their use in all institutions of the government of Canada;

That section 16 of the Constitution Act, 1867 designates the city of Ottawa as the seat of government of Canada;

That citizens have the right in the national capital to have access to the services provided by all institutions of the government of Canada in the official language of their choice, namely, English or French;

That Ottawa, the capital of Canada, has a duty to reflect the linguistic duality at the heart of our collective identity and characteristic of the very nature of our country.

Therefore your petitioners ask Parliament to confirm in the Constitution of Canada that Ottawa, the capital of Canada, is officially bilingual, pursuant to section 16 of the Constitution Act, from 1867 to 1982.

[Translation]

Hon. Viola Léger: Honourable senators, pursuant to rule 4(h), I have the honour to table, in this house, petitions from 84 signatories asking that Ottawa, the capital of Canada, be declared a bilingual city, reflecting the country's linguistic duality.

The petitioners wish to draw the attention of Parliament to the following:

That the Canadian Constitution provides that English and French are the two official languages of our country and have equality of status and equal rights and privileges as to their use in all institutions of the Government of Canada;

That section 16 of the Constitution Act, 1867, designates the city of Ottawa as the seat of the government in Canada; and

That citizens have the right in the national capital to have access to the services provided by all institutions of the Government of Canada in the official language of their choice, namely French or English;

That Ottawa, the capital of Canada, has a duty to reflect the linguistic duality at the heart of our collective identity and characteristic of the very nature of our country.

Therefore, the petitioners call upon Parliament to affirm in the Constitution of Canada, that Ottawa, the capital of Canada — the only one mentioned in the Constitution — be declared officially bilingual, under section 16 of the Constitution Acts from 1867 to 1982.

Hon. Gerald J. Comeau: Honourable senators, pursuant to rule 4(h), I have the honour to table, in this house, petitions from 71 signatories asking that Ottawa, the capital of Canada, be declared a bilingual city, reflecting the country's linguistic duality.

The petitioners wish to draw the attention of Parliament to the following:

That the Canadian Constitution provides that English and French are the two official languages of our country and have equality of status and equal rights and privileges as to their use in all institutions of the Government of Canada;

That section 16 of the Constitution Act, 1867, designates the city of Ottawa as the seat of the government in Canada; and

That citizens have the right in the national capital to have access to the services provided by all institutions of the Government of Canada in the official language of their choice, namely French or English;

That Ottawa, the capital of Canada, has a duty to reflect the linguistic duality at the heart of our collective identity and characteristic of the very nature of our country.

Therefore, the petitioners call upon Parliament to affirm in the Constitution of Canada, that Ottawa, the capital of Canada — the only one mentioned in the Constitution — be declared officially bilingual, under section 16 of the Constitution Acts from 1867 to 1982.

[English]

QUESTION PERIOD

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

NOVA SCOTIA—WINTER STORM— DECLARATION OF STATE OF EMERGENCY

Hon. Gerald J. Comeau: Honourable senators, my question is for the Leader of the Government in the Senate. As the minister will know, Nova Scotia has been badly hit by a winter blizzard of major proportions, and the Nova Scotia government has declared a state of emergency. Can the minister tell this chamber if the province has requested any federal assistance and, if so, what assistance has been requested or offered?

Hon. Jack Austin (Leader of the Government): Honourable senators, no Canadian could be unaware of the situation in Nova Scotia with respect to the storm, but with respect to any message from the government of the Province of Nova Scotia with respect to the declared state of emergency, I have not received any information at this time.

Senator Comeau: Could the minister endeavour to find out for us whether this is, in fact, happening, and if so, could he as well determine if any of the Armed Forces will be giving a hand to Nova Scotia, if such assistance is required, and what the level of assistance might be?

Senator Austin: Honourable senators, I will make that part of my inquiry. As Honourable Senator Comeau knows, the province must specifically request the use of the Armed Forces. I am not aware that they have done so.

HEALTH

TOBACCO CONTROL PROGRAM

Hon. Wilbert J. Keon: Honourable senators, despite the fact that our overall smoking rate continues to decline, a recent Health Canada study found that, in 1988, 100 babies in this country died from smoking-related causes, including low birth weight and respiratory complications. The number of smoking-related deaths and incidents of lung cancer among women has also grown, according to these reports.

Last spring, Canada supported the World Health Organization's framework convention on tobacco control which aims, among other things, to crack down on tobacco use and second-hand smoke.

My question is this: What is the federal government doing to further the implementation of this program?

• (1400)

Hon. Jack Austin (Leader of the Government): First, let me say, honourable senators, that I value Senator Keon's questions, because they inform the Senate about various areas of health concern.

Second, in answer to Senator Keon's question, probably not enough, but I shall look into the situation.

Senator Keon: Honourable senators, four members of the Ministerial Advisory Council on Tobacco Control resigned their positions last year, saying that they had extremely limited access to the former Health Minister, Anne McLellan, and that they had been prevented from doing any meaningful work. The federal Tobacco Control Programme has also lost about \$13 million in funding over the last year. Although the smoking rate in Canada has gone down in recent years, tens of thousands of people are still dying of smoking-related diseases, as we all know.

Could the Leader of the Government in the Senate tell us if the new government will restore both the funding and a high profile to the tobacco control campaign?

Senator Austin: At this moment, honourable senators, I cannot, but again I shall inform myself and advise the honourable senator.

THE SENATE

UNITED STATES—PARTICIPATION IN MISSILE DEFENCE SYSTEM—REQUEST FOR DEBATE

Hon. Douglas Roche: My question is to the Leader of the Government in the Senate. Today, in the House of Commons, for the second time this week, a debate is taking place on Canada's possible participation in the U.S. missile defence system. This is certainly one indication of the deep interest that exists within Parliament for this subject.

Will the Leader of the Government cause a debate to take place in the Senate and consider a reference to committee to examine this issue, which is of central importance to the foreign policy of Canada?

Hon. Jack Austin (Leader of the Government): Honourable senators, while I concur that the issue is of importance to the foreign policy of Canada in the fields of defence, security and foreign affairs, this debate, which Senator Roche has referred to, is being conducted in the other place. All the issues are out on the table there. The debate in the other place is fulsome; as such, I am not certain what would be added by a debate at this time in this chamber.

Senator Lynch-Staunton: So much for the Senate's influence.

FOREIGN AFFAIRS

UNITED STATES PARTICIPATION IN MISSILE DEFENCE SYSTEM

Hon. Douglas Roche: A debate leading to a study of this issue would examine the very controversial matter of whether the ground-based system is actually inextricably linked to the space system. What could be added is an examination of today's announcement by the Government of Russia — reported by the Associated Press — that it has perfected a weapon capable of penetrating any prospective missile shield. Surely, honourable senators, there are grounds for a considered reflection by the members of the Senate on this subject.

Concerning the review of Canada's foreign policy and defence, which will be reported on finally at the end of 2004 — in the interval, life has to go on — many decisions will have to be taken in the foreign policy field. Therefore, I would ask this question of the Leader of the Government: What values will the Canadian government base its decisions on — the new Canadian government that has come into being? What values in foreign policy and defence issues will the new government employ as it makes these decisions?

Hon. Jack Austin (Leader of the Government): Honourable senators, as usual Senator Roche is right on top of the process.

The foreign affairs and defence policy review will get underway shortly, but, as Senator Roche says, the report is not expected before the end of this year.

I acknowledge, too, the value of the honourable senator's statement that decisions have to be made in the meantime, that the entire foreign and defence policy of Canada cannot await the results of the study. However, where issues do not need to be resolved in the interim, they will be left to form a part of the considered study.

With respect to the last part of the honourable senator's question, I believe the whole purpose of the study is to determine the answer to the honourable senator's question about how Canadian values should affect our foreign affairs interests and policy, and our defence interests and policy. To the extent that it is helpful — and I am sure it is not very helpful — I would say that defence, including, in my view, issues relating to peace and disarmament, are important steps to be considered.

PUBLIC WORKS AND GOVERNMENT SERVICES

AUDITOR GENERAL'S REPORT—SPONSORSHIP PROGRAM—RELEASE OF CABINET DOCUMENTS

Hon. Donald H. Oliver: Honourable senators, my question is to the Leader of the Government in the Senate. It is a follow-up question to the series of questions I asked yesterday about disclosure of documents for the inquiry.

The Prime Minister promised that all cabinet documents would be released to the Public Accounts Committee to assist in their investigation of the sponsorship scandal. Can the Leader of the Government tell us if he now has knowledge as to whether caveats will be put on the use of these documents? For example, will the committee only be able to examine them in camera?

Hon. Jack Austin (Leader of the Government): Honourable senators, the Prime Minister has sought the consent of former Prime Minister Chrétien for accessibility to relevant documents, and that consent has been given.

With respect to the use of the documents in question, they remain of the nature of cabinet documents. As such, there will be issues contained within them that, as matters of public policy that have been the acknowledged practice of all governments, should not be disclosed to the public at large. It is my understanding and belief that the documents will be disclosed under conditions that will allow the committee to understand the issues involved.

Senator Oliver: As honourable senators know, the terms of reference for the public inquiry are expected to be released sometime today. As yet, I do not know them myself. Although these terms of reference have not been released, can the Leader of the Government now tell us if the public inquiry will also have access to the cabinet documents?

Senator Austin: Honourable senators, the terms of reference will indeed be released, or so it is my expectation. They have been

drawn up to the satisfaction of the inquiry commissioner, Mr. Justice Gomery. The Prime Minister, the Right Honourable Paul Martin, has said that everything the inquiry commissioner wishes to see he will in fact see.

Again, decisions will have to be made, I suspect, with respect to the normal rules that apply to cabinet materials under the legislation that is in force.

AUDITOR GENERAL'S REPORT—SPONSORSHIP PROGRAM—INVOLVEMENT OF MINISTERIAL STAFF

Hon. W. David Angus: First, honourable senators, I wish to acknowledge the response given by the Leader of the Government in the Senate on Tuesday, before I came into the chamber, on the positions of Pierre Tremblay and Charles (Chuck) Guité. I thank him for that.

Honourable senators, it seems like the more we dig into this mess of a scandal, the sponsorship scandal, the bigger and dirtier it gets. Yesterday, in the other place, a document was tabled relating to firms being recommended for government contracts. Today, the wires are buzzing with discussions of the Right Honourable Prime Minister Paul Martin's director of communications, Mario Lague, and his involvement in the sponsorship program as the senior bureaucrat in the Privy Council Office on the federal communications strategy. Yesterday, the Right Honourable Prime Minister assured the House of Commons that every cabinet minister has been, or is being, asked whether they had any knowledge whatsoever of inappropriate activity in the sponsorship issue.

• (1410)

Can the Leader of the Government assure this house that all staff in the offices of the ministers who are being questioned about their involvement are also being asked whether they have any knowledge of any inappropriate activity?

Hon. Jack Austin (Leader of the Government): Honourable senators, as is well known, in the process of discussion with potential ministers, not only those candidates who are now ministers but also a number of other persons in the other place, and perhaps here, I do not know, were asked for full disclosure. I can assure Honourable Senator Angus that it was a very full disclosure. The same rules under the conflict of interest guidelines released by the Prime Minister for ministers and their staffs apply to those staffs. To the extent that I am familiar with the process, all of those people should have been interviewed and full disclosure made before they were hired.

Senator Angus: Honourable senators, does the Leader of the Government have any information whether Mario Lague was questioned about his involvement? Also, can he advise whether Mr. Lague is still a key member of the Prime Minister's staff?

Senator Austin: Honourable senators, my understanding is that Mario Lague was interviewed and gave full disclosure, and that the Prime Minister is satisfied that he has made full disclosure and is not implicated in any way in the investigations that are under way.

Senator Angus: Is he still on the staff?

Senator Austin: Yes, he is.

AUDITOR GENERAL'S REPORT—
SPONSORSHIP PROGRAM—INVOLVEMENT
OF HEADS OF CROWN AGENCIES

Hon. W. David Angus: There is an article by our friend Jack Aubry in today's *Ottawa Citizen* headed, "Gagliano discussed sponsorship program with Crown bosses." In the course of this article it is mentioned that Treasury Board President Reg Alcock will interview the Crown heads and indicate if they should be fired or whether other action should be taken against them.

Who are these Crown heads, and do they just include the CEOs or presidents, or do they also include the boards of directors who are appointed by Order in Council?

Hon. Jack Austin (Leader of the Government): Honourable senators, I hope that Senate Debates reports accurately that Senator Angus said "Crown heads" and not "crowned heads."

Honourable senators, the President of the Treasury Board was alluding to the five Crown corporations referred to by the Auditor General in her report. As far as I am aware, some of the interviews have taken place and some are taking place with respect to both chairs and CEOs when the offices are separated. I am not aware that members of the board of directors of those Crown corporations are being interviewed. I simply do not have information on that subject.

AUDITOR GENERAL'S REPORT—SPONSORSHIP
PROGRAM—MEETINGS BETWEEN MINISTERS
AND HEADS OF CROWN AGENCIES

Hon. David Tkachuk: Honourable senators, in that same article in the *Citizen* story, Mr. Aubry talks about how Mr. Gagliano hosted quarterly lunch meetings with the heads of the various Crown corporations and said that they were urged by Mr. Gagliano to help increase the Canadian presence in Quebec, perhaps by participating in the sponsorship program. Mr. John Grant, the former head of Canada Lands, refused to play ball with Mr. Gagliano on the basis that the arm's length relationship between the government and the Crown had to be upheld.

What is the position of this government regarding the fact that these arm's length corporations were receiving such instructions from this minister? Was it the policy of the government for other cabinet ministers to be doing business in the same way?

Hon. Jack Austin (Leader of the Government): Honourable senators, may I say first that when an honourable senator relies on a news story, it is taken, under our rules, that the honourable senator will stand by the facts in that news story.

I do not, of course, know the truth of what Jack Aubry reports in that news story. However, if I may respond to one of the aspects of the honourable senator's question, I believe it would be

perfectly normal for a minister to whom Crown corporations reported to meet with the heads of those Crown corporations and, in fact, from time to time, to meet with all of them because there are issues and policies that apply to them in common.

The mere fact that such a meeting takes place with the minister has, on the face of it, nothing to do with a suggestion of any behaviour that would be inappropriate.

Senator Tkachuk: Honourable senators, unlike the previous senator's statement on a newspaper article, I am actually asking a question to find out if the newspaper article is true. I am not sure if the Leader answered that question. I will ask it again and then I will ask a further supplementary question.

Is it the position of the government that these types of meetings, where ministers are demanding that certain government programs take place within the Crown corporations, are done in this way, over lunch in a little restaurant somewhere? Is it the position of the Martin government that businesses with Crowns and ministers of Public Works on government policy will be done in the same way?

Senator Austin: Honourable senators, I was very pleased to hear that Senator Tkachuk is only asking questions about whether these news articles are accurate. Then he switched to relying on a statement made, and asked a question on the basis that the statement is true. I will give him just the answer that I gave him previously.

With respect to my statement regarding ministers meeting with Crown corporation heads who report to them, I said that that is a very normal way of proceeding. In any organization, that is normal, and nothing untoward should be taken from the mere fact that a minister meets with Crown corporation heads.

Finally, if the honourable senator is asking me if anything untoward took place at such a meeting, of course I have no information, the honourable senator has no information, and I do not know whether Jack Aubry has any information.

Senator Tkachuk: I will ask then if Mr. John Grant, who is the source of the story, is not telling the truth.

Senator Austin: Honourable senators, I do not report in this chamber for Mr. John Grant.

INTERGOVERNMENTAL AFFAIRS

OFFICIAL LANGUAGES BILINGUAL STATUS OF CITY OF OTTAWA

Hon. Eymard G. Corbin: Honourable senators, supplementary questions can go on for weeks here sometimes.

My question is directed to the Leader of the Government in the Senate.

[Translation]

The issue of bilingualism, or linguistic duality in the National Capital does not concern only the residents of the National Capital Region. It is a national issue. Has the government entered, or would it consider entering into discussions with the Province of Ontario about making Ottawa officially bilingual? Given that the City of Ottawa is a creature of the Ontario Legislature, it is to be expected that we would enter into discussions with the provincial government so that it can take steps in this direction.

• (1420)

Could the honourable minister tell us today whether the government has taken steps in that direction or intends to do so in the near future?

[English]

Hon. Jack Austin (Leader of the Government): Honourable senators, I will make an inquiry of the Honourable Pierre Pettigrew, the Minister of Intergovernmental Affairs, to see whether any formal process has begun. I would be interested in the answer to that question.

I also want to inquire whether the City of Ottawa has taken any formal decision and whether it would be a part of a provincial or city requirement to hold a referendum with respect to that question.

The Hon. the Speaker *pro tempore*: The Honourable Senator Fraser.

Senator Kinsella: Honourable senators, pursuant to rule 33(3), I move that Senator St. Germain do now be heard.

Senator Austin: Honourable senators, I second that motion!

PUBLIC WORKS AND GOVERNMENT SERVICES

AUDITOR GENERAL'S REPORT— SPONSORSHIP PROGRAM—IMPARTIALITY OF COMMISSIONER OF INQUIRY

Hon. Gerry St. Germain: Now that's a western gentleman!

Honourable senators, my supplementary question is addressed to the Leader of the Government in the Senate. It was stated yesterday that the Montreal judge, John Gomery, who heads the public inquiry into the corruption scandal, also serves as a Liberal government appointee as Chairman of the Copyright Board of Canada. I know the background on these appointments. I am fully aware, Senator Austin, that the position must be filled by a judge, and that he or she receive no remuneration and all of that.

I do not wish to impugn in any way the integrity of the judge. There is no question about his integrity. However, he has been put in an untenable position. Would you not agree, minister? Over the last 10 years of the Chrétien government, every appointment has been a partisan appointment. As a result, it will be perceived by

the public that this appointment, too, is a partisan one. Even the judge says it is not tenable. What is the reaction of the Leader of the Government to that statement?

Hon. Jack Austin (Leader of the Government): Honourable senators, I am absolutely certain that if Senator St. Germain thinks about his question and its allegation —

Senator St. Germain: It is not an allegation.

Senator Austin: — that every appointment made in the last 10 years was a partisan appointment, he would withdraw his statement. I say that because he would recognize in that the appointment of members of the Supreme Court of Canada, of individuals to the courts of the provinces of Canada —

Senator Bryden: And senators.

Senator Austin: I am not going as far as senators.

However, Senator St. Germain knows the answer to his question. I am glad I heard from him that he does not impugn Mr. Justice Gomery in any way. Senator St. Germain knows that Mr. Justice Gomery has served Canada because of his expertise in copyright, and that there was no remuneration.

Finally, I am sure Senator St. Germain knows that Mr. Justice Gomery has said that he would resign from the Copyright Board forthwith upon settling the terms of reference and on beginning to undertake the inquiry.

Senator St. Germain: Honourable senators, I am not saying that you, I and others in this place understand that there have been appointments that possibly have not been partisan. I am speaking about the perception of the general public. The Honourable Senator Austin, as Leader of the Government in the Senate and as an experienced cabinet minister in the Trudeau regime, knows how our part of the country thinks, whether it is right or wrong. This is not about reality, it is about perception. Do you not think that the perception could be wrong?

Senator Austin: Honourable senators, if that is the perception, then it is the duty of Senator St. Germain, myself, and everyone here to tell the truth and set the facts straight.

[Translation]

SOLICITOR GENERAL

ROYAL CANADIAN MOUNTED POLICE— POSSIBLE BREACH OF CODE OF ETHICS— INVOLVEMENT IN SPONSORSHIP PROGRAM

Hon. Jean-Claude Rivest: Honourable senators, my question is for the Leader of the Government in the Senate and follows on my previous question. I do not know if the minister has had time to do the necessary checking into a certain train trip by RCMP officers.

Here is some additional information for the minister to situate his research. Odilon Emond, an RCMP officer, said the following in a letter to all RCMP senior officers:

We got VIA Rail to sponsor a special train to transport us from Quebec City to Montreal for our regimental ball —

[Senator Corbin]

To help the minister in his research, we add that the invitation to this reception was addressed not just to a few RCMP officers but to all staff in Ottawa and all commanding officers of the RCMP across Canada.

Was the minister able to obtain additional information? I would point out that, on the one hand, this is standard and usual practice for the RCMP; on the other, we would like an answer. When the journalist put the question to the RCMP, it refused to comment.

Second, with regard to the sponsorships, should the government not define the mandate given to the Sûreté du Québec to take over from the RCMP in the part of the investigation concerning VIA Rail, since senior RCMP officers apparently received special consideration from VIA Rail, which would appear to be in contradiction of the code of ethics and common sense with regard to management of RCMP affairs?

[English]

Hon. Jack Austin (Leader of the Government): Honourable senators, I have seen the newspaper report to which the honourable senator refers. That is as much as I am aware of with respect to the RCMP and whatever considerations were extended to them by VIA Rail. I will be looking for additional information with respect to that subject.

With respect to the role which the Sûreté du Québec is playing in relation to the investigation of the RCMP's role in the sponsorship of the musical ride, I am not sure what more is needed in the terms of reference. The terms of reference were negotiated between the Sûreté du Québec, the RCMP and the Attorney General of Canada. They seem to be satisfactory to all three parties at this time.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table a response to a question raised in the Senate on February 4, 2004, by Senator Andreychuk regarding the review of the Security of Information Act.

JUSTICE

REVIEW OF SECURITY OF INFORMATION ACT

(Response to question raised by Hon. A. Raynell Andreychuk on February 4, 2004)

The question as posed does not specifically refer to section 4 of the *Security of Information Act*. However, having reviewed excerpts from the Senate Debates of February 3, 2004, it would appear that Senator Andreychuk's inquiry relates to that section.

As mentioned during the Senate debates of February 3 and 4, 2004, the Honourable Anne McLellan, Deputy Prime Minister and Minister of Public Security, announced on

January 28, 2004, that Parliament would be asked to review section 4 of the *Security of Information Act*. The Honourable Irwin Cotler, as Minister of Justice, is responsible for the *Security of Information Act* and thus the parliamentary review of section 4.

As part of this review, Parliament will have the opportunity to consider a number of strategic issues raised by section 4 including what types of documents should be protected and under what circumstances can disclosure be justified in the name of public interest.

The Department of Justice is undertaking preparatory work to assist parliamentarians in their review of section 4 of the *Security of Information Act*. It is not currently considering nor reviewing any specific amendment of section 4.

ORDERS OF THE DAY

ELECTORAL BOUNDARIES READJUSTMENT ACT

BILL TO AMEND—SECOND READING DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Smith, P.C., seconded by the Honourable Senator Robichaud, P.C., for the second reading of Bill C-5, respecting the effective date of the representation order of 2003.

Hon. Lowell Murray: Honourable senators, for the third time since 1993, we have before us a bill whose purpose is to tamper with the Canada Elections Act. In the two previous instances, the Senate properly assumed its responsibilities by blocking these attempts to tamper with the electoral process.

In 1994 and 1995, the government wanted, for partisan reasons, to postpone the effective date of the new electoral map. This time, because of the anticipated election in 2004, the government wants to make an exception to the act and reduce by five months the period between the proclamation of the new map and its coming into effect.

• (1430)

We are told that Bill C-5 enjoys the support of almost all the political parties in the House of Commons. Far from persuading us to quickly pass this legislation, this argument should make us wonder. The 12 month delay provided for in the current Act is there to give everyone, including candidates, political parties and voters at the local and national levels enough time to get used to the new boundaries, get organized and get ready before an election is called.

The interests of incumbents are not always the same as those of the other people involved. It may even be that some members of Parliament are putting themselves in a conflict of interest position. This is why, in such a case, the Senate has a duty to take a very close look at the reasons given by the members of the other place.

[English]

Our friend Senator Smith came in here on Friday proclaiming that this bill was intended to enhance the quality of representative democracy. I do not know whether it was youthful exuberance or blind party loyalty that led him to make such an extravagant claim for the bill. I cannot help but recall that this is coming from a government that in 1994 and 1995 was prepared to ram through bills that would have forced the country to have an election in 1997 on the basis of 1981 population figures — some quality of representative democracy!

Parenthetically, I cannot help but remark on the irony that this bill is coming from a government that is doing so much to distance itself from its predecessors. After all, this bill originated last fall with the Chrétien government. We know that the present Martin government has abandoned a number of quite significant legislative initiatives of its predecessor. Mr. Martin has abandoned most of the ministers in the Chrétien government. Indeed, there is some suggestion that he is only too ready to abandon Mr. Chrétien himself, but here he is clinging to this one holdover, this one relic from the previous session, this bill to hurry up the redistribution process.

It is very interesting that the government is pressing forward, with such vigour, with a legislative initiative from the Chrétien era. Why did Mr. Chrétien bring forward the bill in the first instance? For the convenience of his successor, Mr. Martin. Mr. Diefenbaker would have had the words for it. "Chrétien and Martin," he would have said, "two peas in the same pod."

Senator Smith and Senator Austin, who got into the act briefly on Friday morning, tried to pretend that this bill was about the creation of seven additional seats: three for Ontario and two each for British Columbia and Alberta. This, of course, is a lot of nonsense. These eight additional seats in the House of Commons were cast in stone last August 25, and they would be operative for any election that would be called after August 25, 2004.

Honourable senators, the purpose of this bill is to hurry it up so that Mr. Martin may call an election on or immediately after April 1. As I said yesterday, they could have changed the law — that is, if they really believed that a six-month delay was sufficient. However, they did not change the law because they are not sure that it is sufficient. They want to change the law for this case only so that the political convenience of the Liberal Party may be accommodated. We will have a law that says 12 months. However, every 10 years or so, depending upon the convenience of the government or the incumbent MPs in the Commons, of all parties, we will prolong the period beyond 12 months or we will shorten it to less than 12 months, depending upon political expediency.

Senator Smith raised a few other matters that I hope I can touch upon in the time that is left to me. He said, quite correctly, that while representation by population is the operative and the most important principle, we are really talking about relative parity of voting power. We have never had in this country pure representation by population; that is true. He mentioned in this connection the Senate floor, under which no province can have fewer members in the House of Commons than it has in the Senate. As we all know, that could only be changed by constitutional amendment.

There are other factors that I think are worth noting, just in passing. One of those, for example, is the 1985 Representation Act. Under that act, each province was guaranteed no fewer seats than it had in 1976. The result is that five provinces have a total of 18 seats more than they would otherwise be entitled to if representation by population really applied. Without being offensive, I hope I can tell honourable senators what those provinces are and what the overrepresentation is.

As a result of the 1985 Representation Act, Saskatchewan is overrepresented by five MPs; Manitoba by four; Quebec by seven; and Nova Scotia and Newfoundland and Labrador by one each. In the case of Nova Scotia and Newfoundland and Labrador, they are already overrepresented by two MPs in the case of Nova Scotia and by one MP in the case of Newfoundland and Labrador by reason of the Senate floor.

In terms of strict representation by population, we have therefore not only the Senate floor, which would take a constitutional amendment to change — and which no one is suggesting should be changed — but also the 1985 Representation Act, which is amendable by Parliament acting alone. I am not suggesting that that ought to be jettisoned all at once, but we should look at the report of the Lortie commission and others who have spoken on this issue because some fairly elegant ways have been suggested to phase these arrangements out in the interests of getting as close as we can to representation by population.

The honourable senator also properly mentioned that redistribution deals not just with the additional seats that may be accorded to several provinces by reason of population changes but the numerous changes that have to be made to the boundaries of existing ridings within provinces as a result of volatile population movements within those provinces. I find, for example, looking at the material put out at the time by Elections Canada, that while we had a redistribution based on the 1991 census, by the time of the 2001 census, if we look at Ontario, the constituency of Markham was 32 per cent above the representation by population quotient; Mississauga West was 40 per cent above it; Halton was 43 per cent above it; Barrie—Simcoe—Bradford was 44 per cent above it; Vaughan—King—Aurora was 53 per cent above it; Oak Ridges was 61 per cent above it; and Brampton West—Mississauga was 76 per cent above it. I can also give honourable senators figures

for Alberta and even parts of Nova Scotia along much the same line. It is easy to see that population movements are so volatile within a period of 10 years that the imbalance in relative parity of voting power, that is, the relative value of my vote in my constituency and your vote in another constituency, becomes pronounced.

• (1440)

The Hon. the Speaker: I am sorry to interrupt, but I must advise the honourable senator that his time has expired.

Honourable senators, is leave granted for Senator Murray to continue?

Hon. Senators: Agreed.

Senator Murray: Thank you, honourable senators.

I wish to make the point that one of the suggestions that was made, and I believe the proposal was contained in a government bill that fell by the wayside a couple of years ago, was that in those cases where there is evidence from the census of great demographic movement, perhaps a redistribution after five years should be considered on the basis of the five-year census. The Lortie commission suggested that a redistribution process should be set in place after every general election.

I wish to say that the redistribution commission this time did a terrific job. They did not avail themselves of anywhere near the extravagant 25 per cent tolerance that is allowed. In the vast majority of cases, they brought the constituencies to below 10 per cent, and in many cases below 5 per cent of the provincial quotient. They really struck a blow in favour of representative democracy and in favour of "rep. by pop.," and they should be congratulated on that account.

I would like to see the law changed to bring that tolerance down to 10 per cent or even less than that, except in a few obvious cases like Labrador and some of the big northern ridings where something in excess would have to be contemplated.

Finally, there is the declining turnout at elections. I think this may well be related to the new National Register of Electors. A study done by a professor at McGill University found that the lack of a door-to-door enumeration had a debilitating effect on turnout and, further, that this has increased inequality of participation to the disadvantage of the young and the poor.

Honourable senators, issues such as the 1985 Representation Act; the extravagant — in my view — tolerance that is allowed by the law in terms of exceeding the provincial quotient; the possibility of a redistribution at five-year intervals in those areas where there have been volatile population movements; and a revisiting of the National Register of Electors to see whether it is working as it ought to work, as I suspect it is not, are matters that at some point the Senate should undertake.

I saw in the newspapers this morning that the House of Commons is undertaking some kind of review of elections law. However, I say to you now, as I hinted yesterday, that if we are

waiting for the House of Commons to grasp the mettle and confront any of these truly sensitive and difficult issues, we will be waiting a long, long time. When it comes to the interests of incumbents in that place, there is a degree of multipartisanship that is truly touching to behold. Therefore, some of these things are a proper job for the Senate. I hope sooner rather than later we will take them on.

Some Hon. Senators: Hear, hear!

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Would the honourable senator take a question?

Senator Murray: Certainly.

Senator Kinsella: If I might, I will put the question to the honourable senator that I put to Senator Smith, which was the following: Does he think that Elections Canada would be better prepared to conduct the election if the act as is in force was respected, as opposed to going with this early election date of April 1? If Mr. Kingsley had more time, he would be better prepared; is there evidence of that?

Senator Murray: I do not know about that. I am prepared to accept on its face the assurances that Mr. Kingsley could be ready on April 1.

What we are losing sight of is that we should be concerned not just about Elections Canada and whether they are ready. There are candidates, political parties and voters to be considered. It is not clear to me at all that candidates and parties are ready.

What is clear to me is that they have never been willing in the other place, through three governments, to take up the recommendations that have been made to shorten the period between the completion of redistribution and the proclamation of the new ridings. They are not confident that they can be ready in that space of time.

This bill will manipulate the process to the political advantage of the party that happens to be in power. I regret very much that at least at the first go-round it seemed to have the complicity — not the support — of most of the other parties in the House of Commons.

Senator Kinsella: The etymology of the term "gerrymandering," goes back to what Governor Gerry attempted to do in the early 1800s in the Commonwealth of Massachusetts, and how the shape of the ridings in that Commonwealth were very much in the form of a salamander, thus the word "gerrymandering." Is there, in the view of the honourable senator, a clear case of gerrymandering in the order of time?

Senator Murray: I had not thought of it that way, but I am grateful to the honourable senator for doing so.

Hon. Douglas Roche: My question is for Senator Murray. He has considerable experience in these matters and I would value his opinion on this question: What does Senator Murray think of the argument that when a new Prime Minister arrives on the scene and states that he is forming a new government, then demonstrates that by a Speech from the Throne that puts out its program; the people of Canada have a right to give their opinion via an election at the earliest moment to determine whether or not they support that government?

Senator Murray: Honourable senators, I agree in principle with the statement of the honourable senator. However, I see no great difference between an election respecting that principle held in mid- to late May and an election held in late September or early October. I believe that the people of Canada would be happy to wait until the fall for such an election, and increasingly it appears that Mr. Martin might be just as happy to wait.

Hon. Terry Mercer: Honourable senators, I have a question for Senator Murray. He referred to enumeration and perhaps the need for enumeration prior to each election.

Is the honourable senator suggesting that the National Register of Electors should be dispensed with? If so, as a manager of campaigns in the past, I would contend that he might agree that one of the biggest changes and greatest advantages of the national register is to allow those of us who practice this art to manage the process better, knowing well in advance who the voters are, as inaccurate as it may be.

Further, has the honourable senator considered the cost of an enumeration? One of the advantages of a permanent voter registry is the tremendous saving to the taxpayers of an enumeration for every campaign. This consideration needs to be taken into account.

• (1450)

I would suggest that there may be a way of combining it and having enumerations in areas where a certain number of voters have moved or construction has happened that may be able to facilitate both sides of our argument.

Senator Murray: There may be, honourable senator. Some of us engaged in quite a vigorous examination of the Chief Electoral Officer as long ago as 1996, I think it was, about the permanent register. It is not clear to me that those savings have been realized, and we might look into that.

As well, the old enumeration system, door to door, with all its failings, especially in the big urban conglomerations, including the problem of recruiting people to do the enumeration, resulted in a 92 per cent enumeration of eligible voters. The best they have ever been able to claim for the register on day one is 80 per cent.

They add to the register over time, but technology can also create problems. I do not remember whether it was the federal election or the provincial election in Ontario — although it does not matter because the lists are traded back and forth — where hundreds of voters in Picton, Ontario, I think it was, ended up on

a list in a totally different constituency, in a town or village in another constituency, that had a name that resembled Picton. Things happen with technology, and terrible accidents can happen with this permanent register.

I just want to revisit this issue and see whether it is true, as that professor from McGill said, that it has had a debilitating effect on, firstly, turnout and, secondly, on the turnout of people of a lower social and economic status. I want to know whether that is true, and I want to look at the cost. We should be willing to reopen the issue. I am not prejudging where I might come down on the matter after I have studied the facts.

On motion of Senator Di Nino, debate adjourned.

ALLOCATION OF TIME FOR DEBATE— NOTICE OF MOTION

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I rise pursuant to rule 39 to inform the chamber that I have had a discussion with my counterpart, the Honourable Senator Kinsella, about the disposition of Bill C-5, and it has not been possible to reach an agreement concerning the time to be allocated for the second reading stage of this bill. Therefore, pursuant to rule 39, I give notice that, at the next sitting of the Senate, I will move:

That, pursuant Rule 39, not more than a further six hours of debate be allocated for the consideration of the second reading stage of Bill C-5, respecting the effective date of the representation order of 2003;

That when debate comes to an end or when the time provided for the debate has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the second reading stage of the said Bill; and

That any recorded vote or votes on the said question shall be taken in accordance with Rule 39(4).

Senator St. Germain: The more things change, the more they stay the same.

POINT OF ORDER

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise on a point of order. I invite honourable senators to take the rule book, the up-to-date version of which is now on senators' desks, and on page 39 read what rule 39(1) says:

At any time while the Senate is sitting, the Leader of the Government in the Senate or the Deputy Leader of the Government in the Senate, from his or her place in the Senate, may state that the representatives of the parties have failed to agree to allocate a specified number of days or hours for consideration of any stage of consideration of any adjourned debate...

I do not recall being asked by the Deputy Leader of the Government, as the rule provides, "Do you agree to allocate a specified number of days?" There was a conversation. I was not asked how many Conservative Party of Canada senators wished to speak on it. Had I been asked that question, I would have said "Senator Di Nino and myself."

To be perfectly clear, what is envisioned by rule 39(1) did not take place. I know that it was a private conversation. Perhaps we will need to get these things in writing in the future. I want to place on the record that the prerequisites provided for by that rule were not met by the Deputy Leader of the Government.

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, the conversation did take place, and my clear understanding was that the proposal was that a certain amount of time be allocated for the remainder of the debate on second reading of this bill. My understanding was that there was no agreement on that particular amount of time. As a result, I took the action that I did today. My understanding from the conversation I had was very clear — that we could not reach an agreement as to the amount of time to be allocated to the remainder of the debate. With regard to other senators who wish to speak on the second reading debate of this bill, this notice of motion provides adequate time for them to do so.

Senator Kinsella: Does the honourable senator have any recollection that the words "allocating a specified number of days" were ever used in the conversation, because I do not.

Senator Rompkey: I certainly remember referring to concluding debate at a certain time next week, which automatically suggests a certain number of hours before arriving at that time next week.

Senator Kinsella: Suppositions and inferences were made, but the specific request about allocating time was not made. The conversation is clear in my mind.

I know the honourable senator is new to the position of deputy leader and that he will attend more carefully to the exigencies of the rule, because the rules protect the minority. If we sound a bit picky about the rules in the minds of some honourable senators, particularly new senators, it is because the minority relies on the rules to make our parliamentary system work. I think the record is clear.

The Hon. the Speaker: Honourable senators, this is a matter between the house leaders, so I had not intended to go to other senators. Senator Kinsella's point underlines the importance of precision in terms of reference to the rules. The presiding officer finds himself in an awkward position of who to believe, which is not an area I want to enter.

I will accept the notice of motion, but I will do it with this caution: Having listened to the exchange between the house leaders, I admonish them and other senators to pay close attention to the rules and to observe their requirements.

• (1500)

SEX OFFENDER INFORMATION REGISTRATION BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Pearson, seconded by the Honourable Senator Christensen, for the second reading of Bill C-16, respecting the registration of information relating to sex offenders, to amend the Criminal Code and to make consequential amendments to other Acts.

Hon. Consiglio Di Nino: Honourable senators, I am happy to rise and participate in the debate on Bill C-16 respecting the registration of information relating to sexual offenders. Bill C-16, as we have heard, is a reintroduction of Bill C-23, which died on the Order Paper when the House was prorogued in mid-November.

Bill C-16 should, in many aspects, be applauded. It represents the federal government's commitment to create a nationally-based sex offender registry and will provide an important tool for police services and law enforcement agencies across the country involved in the investigation of sexual offences.

However, honourable senators, many aspects of the bill have been criticized. Some critics argue that this bill does not go far enough. This has been forcefully expressed in both committee and debate in the other place. It is said that this is a watered down approach in a situation where vigorous action is needed. It is said that while this bill may save lives, in its omissions it may also cost lives.

Some critics of the bill would like to make the registry accessible to the public, as it is in the U.S. They argue that they cannot keep their children safe unless they can search actively to see if a sexual offender has moved into their neighbourhood. The government and others argue that making this information public would lead to witch hunts and would drive sexual offenders underground and out of sight, and away from the treatment programs and supervision that attempts to reintegrate them into society. We need to explore extensively these divergent and controversial points of view in committee.

There are some other criticisms about the bill. The legislation will only include current and new offenders, not past offenders who have served their sentences. The Government of Alberta, in particular, wanted less retroactivity and pointed to 27 past offenders at risk to re-offend living in the province. Another point is that the register will not include photographs. Also, this legislation does not recommend making use of current cutting-edge tracking required by police investigators. As well, the penalties are not stiff enough for offenders who do not register. All of these criticisms and concerns are valid and require our serious study.

I bring to your attention the comments of Jim Stephenson, the father of Christopher Stephenson, a murdered victim of a sex crime committed by a repeat offender, who testified before the Justice Committee in the other place. Mr. Stephenson has been lobbying for a sex offender registry for 15 years. Because of his lobbying efforts, the Province of Ontario passed "Christopher's Law," which created the Ontario Sexual Offender Registration System.

Mr. Stephenson has described the proposed federal registry as basically "nothing more than a telephone directory that will only be of use to investigators if the perpetrators leave their wallet at the scene of the crime." Mr. Stephenson's depiction may be somewhat of an exaggeration. The registry does require that an offender provide their "height and weight and a description of every physically distinguishing mark that they have." It is an extension of the Canadian Police Information Centre so it contains fingerprints, but there is no requirement that a photograph be included.

The legislation as passed in the other place actually provides discretion to the person collecting information — and I stress that — who "may record any observable characteristic that may assist in identification of the sex offender, including their eye colour and hair colour, and may require that their photograph be taken." This is discretionary. I believe, honourable senators, this information should be collected at all times and not be discretionary.

Honourable senators, Mr. Stephenson's concerns cannot be cavalierly dismissed but must be reviewed, and I hope he will be invited to attend as a witness. I understand as well the difficulties that this legislation poses with respect to civil liberties, and that negotiations had to occur with the provinces. I also understand that the Commons committee heard from many witnesses on both sides of the issue, some of whom opposed the idea of the registry altogether. The John Howard Society has questioned the effectiveness, accuracy and cost of sex offender registries altogether. The government has expressed fears of court challenges against the legislation on constitutional or due process grounds.

Honourable senators, this controversial bill raises many questions for us to consider. I will highlight a few of them. There seems to be little excuse for not including photographs as a matter of course. The discretionary way in which the legislation is drafted is very peculiar, and I will look forward to hearing the officials' justification for this.

I also do not understand why the registry will not employ the cross-referencing powers afforded by modern technology and required by the police investigators. There is no breach in civil liberties in having the ability to use provincial, jurisdictional or radius and postal code search capability. The Ontario Sex Offender Database allows for 93 different searchable fields for data entry. The federal registry should be at least as robust. I would like to know more about the limitations of the system as proposed, and how it could be improved.

Further, the government has stated that it fears a Charter challenge if the legislation applies to retroactive cases, that is to

say if the database includes sex offenders who have already served a sentence. Charter protection is subject to reasonable limits. In my opinion an excellent argument can be made that even if there is a breach of the Charter, it would be a reasonable breach given the objective.

We should draft the legislation to limit challenges but we should not sacrifice our fundamental objectives simply because we may fear challenges. As the representatives of the Canadian Police Association stated before the Justice Committee in the other place:

...the registration of all convicted sex offenders has a valid, non-punitive regulatory purpose and is therefore not a violation of any offender's rights, when one considers the overarching legitimate public safety concerns. This is consistent with the experience and jurisprudence in the United States, including a U.S. Supreme Court decision upholding sex offender registries that go far beyond the Canadian proposal and the Ontario example.

Even if such retroactivity provisions were found to be unconstitutional, only that part of the legislation will be struck down. The Charter does not strike down entire laws when a breach is found. Where possible, it strikes down only the provisions that breach the Charter. Therefore the government's fears may really be evidence of government timidity rather than prudence.

Finally, the Toronto Chief of Police has stated that, in his opinion, the legislation may be unenforceable. Clearly we need to look into this aspect as well.

As a result of these many concerns, our deliberations on this legislation will be of vital importance. I am becoming increasingly frustrated with the government's initiatives that do not truly solve the problems. It seems to me that sometimes we engage in "Government By Talking Point."

Honourable senators, the Senate is meant to provide a sober second thought. We need to start exercising that second thought on a much more non-partisan basis. We need to look at bills sent to us and ask if they truly achieve the stated objectives. If not, then we should say that the legislation is simply not good enough and either change it or defeat it.

I look forward to reflecting on this important issue in committee and hope that our deliberations will result in a much more effective law that does what it intends to do — protect those at risk, principally women and children, from a small, evil group in our society.

Motion agreed to and bill read second time.

• (1510)

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Pearson, referred to the Standing Senate Committee on Legal and Constitutional Affairs.

PUBLIC SAFETY BILL 2002

SECOND READING—DEBATE ADJOURNED

Hon. Joseph A. Day moved the second reading of Bill C-7, to amend certain Acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety.

He said: Honourable senators, I am pleased to begin debate on this very important bill, Bill C-7, which deserves our very careful attention. The bill is entitled "Public Safety Act, 2002." In 2002, a predecessor of this bill was first introduced in the other place.

[Translation]

This bill makes amendments to 23 existing statutes and creates a new act. Its purpose is to enhance the government's ability to prevent terrorist attacks and intervene quickly in the case of a serious threat or attack. It concerns 12 departments and, therefore, 12 ministers.

The wording of the bill before us is the result of a very serious debate that was held in the other place in November 2001, when Bill C-42 was introduced. A balance was struck between public protection and individual privacy.

[English]

This bill proposes to amend 23 statutes and to create a new act that will implement the Biological and Toxin Weapons Convention. The bill was first numbered 42, then 55, then 17, and now it is before us as Bill C-7. It was debated at length in the other place and studied in committee there, where several amendments were made.

Honourable senators, this bill was introduced in this chamber in October of last year and the Honourable Senator Carstairs addressed the chamber on it on October 21, just before prorogation. In her address, the honourable senator went through each part of the bill and analyzed it in a very thorough manner.

At this stage, I do not propose to go through each clause of the bill again, but I do commend the October 21 comments of the Honourable Senator Carstairs to honourable senators who wish to get a good overview of each part. Pursuant to rule 75 of the *Rules of the Senate of Canada*, at this second reading stage I propose to deal with the principles of Bill C-7.

It is clear that certain earlier provisions would have improved security, as I think all honourable senators will agree, but at a cost that debate in this house and in the other place has shown would be too much of an intrusion into privacy. Therefore, many provisions have been removed or amended. For example, the bill no longer proposes the term "military exclusion zones." It no longer proposes the regulation of non-explosive ammunition components and no longer proposes the collection of information

on passengers for the primary purpose of executing outstanding warrants.

In addition, there has been a clarification of transportation security and of interim order provisions. I propose to deal with the interim order provisions at some length so that honourable senators will understand the concept and how it is proposed that they be dealt with under the various statutes that are to be amended. It is proposed that nine different statutes dealing with interim orders be amended.

Protecting transportation security and our national security continues to be of paramount importance to all of us and is, of course, of paramount importance to the Government of Canada. We must always ensure that our response to security issues is balanced appropriately in relation to other fundamental interests such as privacy and civil and human rights. Through the various safeguards that have been built into Bill C-7, this legislation offers transparency, accountability and privacy protection.

[Translation]

Honourable senators, because of the terrorist attacks of September 11, 2001, and the better-known existence of well-organized and very clever terrorist groups, we must continue to improve our public safety programs.

To illustrate the increase in terrorist attacks, let us look at the al-Qaeda terrorist organization.

During the seven years preceding the attacks of September 11, 2001, there was, on average, one incident a year involving al-Qaeda. During the two years following the attacks of September 11, 2001, this average climbed to five.

[English]

Lest we think that al-Qaeda has not heard of Canada, in his tape released on November 12, 2002, Osama bin Laden said:

What do your governments want from their alliance with America in attacking us in Afghanistan? I mention in particular Britain, France, Italy, Canada, Germany and Australia.

Furthermore, al-Qaeda is only one of 33 active terrorist groups identified as operating in the world. Whether we like it or not, we must consider Canada as a possible target for terrorist attacks. We must consider that some terrorists may wish to access other countries through Canada.

• (1520)

Honourable senators will be familiar with the two-pronged approach to protecting Canada at our borders. First, there is a program to provide protection from the import of illegal objects, including weapons and explosive devices. Second, there is a program to provide protection from the illegal entry of persons, whether it be from immigration or by visitors.

Following September 11, 2001, there have been ongoing adjustments to our government departments to meet the new realities that we face. The new Canada Border Services Agency has been created from units of Customs and Immigration, and is now part of the new Department of Public Safety and Emergency Preparedness Canada. It is this border services agency that administers these two approaches, of providing protection against both objects and people.

Honourable senators, the approach one would use to protect an aircraft is not much different from the approach the Canada Border Services Agency uses to protect Canada at its borders.

[Translation]

Attacks have been made on aircraft and new attempts will be made in the future. In the past, to protect aircraft, eliminating any object likely to be used for terrorist purposes was thought to be enough. Most countries took this approach.

The events of September 11, 2001, quickly destroyed that theory. People are prepared to die and are anxious to die for their cause. They do not need traditional weapons when they act in a group.

Honourable senators, the attention paid to objects and people at our borders in order to protect Canada must now be paid to people and objects on board aircraft in order to protect them.

Today, on every flight leaving a Canadian airport objects being taken on board the aircraft are methodically inspected. That said, nothing in Canadian legislation provides for a security check of the passengers who are on board as well.

[English]

For a flight from Toronto to Vancouver, I can buy a ticket on the Internet, check in using the electronic kiosk, have only my possessions screened at the security checkpoint and, at the time of boarding, show any document with both my picture and the name I used when buying the ticket. I can then board the aircraft.

Honourable senators, we now do an excellent job screening for objects that are now prohibited from being carried on board an aircraft; however, we do a lot less than an excellent job assessing the people who will be on board the same aircraft. This is no longer good enough, as past events have shown.

A flight from Toronto to Vancouver involves a large aircraft with a large fuel load. On its journey, that aircraft will fly over several Canadian cities, as well as close to several American cities. By Canadian law, as it now exists, no one can consider who is on board from a security point of view. For example, authorities that know the name of a suspected terrorist who may be in Canada may wish to ask an airline whether the person in question has an airline reservation. Under Canadian law, that could not now be done.

[Translation]

Under the terms of clause 4.82 of the Public Safety Act, air carriers and operators of aviation reservation systems would be required to provide, on demand, information concerning passengers to designated officers of the RCMP and CSIS, only for the purposes of transportation safety or national security.

In order to ensure privacy protection, the designated officers would compare passenger information and the restricted information directly related to their specific mandate under clause 4.82.

In other words, passenger information would be compared to the internal information used to determine risks to transportation safety or national security.

The designated officers would also be authorized to divulge passenger information to a third party only for very specific purposes.

[English]

These purposes include the investigation of a threat to the security of Canada, assisting aircraft protection officers in carrying out their duties, or helping health and transport officials respond to a life, health or safety threat. To ensure overall public safety, the proposed Public Safety Act would provide RCMP designated officers with the legislative authority to notify local police if they identify, while analyzing passenger information, a fugitive with an outstanding warrant for arrest in Canada for a serious offence such as murder or sexual assault.

[Translation]

Canadians can be assured that Bill C-7 will make it possible to increase transportation safety while respecting their privacy. That is why clause 4.82 contains strict guarantees governing the collection, disclosure, conservation and destruction of passenger information. I would particularly like to draw your attention to certain specific characteristics.

[English]

However, passenger information could not be used to help execute a warrant for just any offence. Under this bill, the RCMP designated officer would only be able to share passenger information with other police agencies to apprehend individuals who are the subject of an arrest warrant for serious crimes that carry a penalty of five years or more. They would only be able to assist with the execution of warrants for specific serious offences that would be set out in the regulations.

[Translation]

Under clause 4.82, all passenger information will have to be destroyed within seven days after being transmitted by the air carrier, unless such information is reasonably considered necessary for the purposes of transportation safety or an investigation into threats to the security of Canada.

• (1530)

[English]

A certain standard or threshold of suspicion would have to be met before the information could be shared. For example, subclause 4.82(9) stipulates that a designated officer would have to have reason to believe that the information would assist an Aircraft Protective Officer with his or her duties before making a disclosure designed to protect transport security. Written records would be required for retentions and disclosures, making them available for review by the Privacy Commissioner, the Commissioner for Public Complaints against the RCMP and, in the case of CSIS, review by the Security Intelligence Review Committee and the Inspector General of CSIS.

[Translation]

In addition, the legislation would require the Commissioner of the RCMP and the Director of CSIS to have all retained information reviewed annually. They would be required to order the destruction of information that is no longer required to be retained in order to ensure transportation safety or national security.

[English]

The legislation provides authority to put in place measures that many Canadians would agree are based on common sense. The Canadian Air Carrier Protective Program promotes aviation security by placing armed RCMP officer on board selected aircraft. That is currently being done. The implementation of section 4.82 would make this program more effective and efficient in selecting aircraft and in providing officers on board with any relevant information on who is on the aircraft. This would provide better public safety for Canadians and for visitors. As I noted earlier, all passenger information would have to be destroyed within seven days, unless it was reasonably required for a very narrow purpose.

Honourable senators, I have spent some time talking about section 4.82 of the Aeronautics Act, which is under amendment because it is the area that received most attention both in the media and in the other place. It is important for us to have an appreciation that there have been significant amendments made and there are many checks on the powers that are being given, or are proposed to be given under this particular section.

I believe, honourable senators, that after careful reflection you will agree with me that a balance has been achieved, balancing the fundamental interests such as privacy, civil and human rights with the importance of maintaining security.

To further illustrate the balance that has been achieved in this bill, let me now shift my comments to another area that has received some discussion in the past, and that is with respect to interim orders.

[Translation]

First, I note that two of the acts being amended by Bill C-7, the Aeronautics Act and the Canadian Environmental Protection Act, already contain provisions related to interim orders.

[English]

Therefore, honourable senators, the concept of interim orders is not something new. It already exists in law.

Honourable senators, on September 11, 2001, aircraft were entering Canadian air control at the rate of one every 45 seconds. Immediate decisions had to be taken with respect to either turning the aircraft back to Europe or inviting them to land at the closest airport. Honourable senators will remember the great service that was provided by airports in Newfoundland, in Nova Scotia and in Montreal, in particular, at that very difficult time in our history. Whereas the authority to immediately control air space did exist, the very important lesson learned is that in another crisis the essential authority to deal with that crisis must also exist.

[Translation]

To illustrate this fear about potential events requiring immediate action, I have a few examples of increasingly complex events.

[English]

Let me talk about two or three possible examples that will show you the importance of being able to react quickly.

The first level, in response to a credible marine-based threat against a nuclear power plant, for example, at Gentilly in Quebec or Point Le Preau in New Brunswick, is as follows. Authorities may wish to close an area within a two-mile radius of that nuclear power plant to avoid any activity — that is, anyone moving in that area without authority.

How would that closure be achieved? I refer you to the proposal to add the interim order provision to the Canada Shipping Act, which is in this bill. One could suggest that such a zone could be established permanently, then you would not need an interim order in the case of crisis. However, the St. Lawrence Seaway passes completely within such a reasonable zone around the Gentilly base and there are shipping and fishing lines within a reasonable distance of Point Le Preau in New Brunswick. If we closed the area permanently, we would be closing the St. Lawrence Seaway. That, of course, is not an acceptable situation.

This is an example of where an interim order authority could be used, and moreover the consequences of the order are predictable. That is why we would not want to do it on a permanent basis, namely, the closing of a specified water area.

[Translation]

As a second example, the schedule under the Quarantine Act lists four dangerous diseases: cholera, plague, small pox and yellow fever. Under this legislation, the Governor in Council may amend the schedule by adding other dangerous diseases.

We are not aware of any other dangerous disease that currently needs to be added, but if terrorists were to propagate a certain disease — a highly likely scenario — that disease would need to be added to the schedule immediately.

[English]

How would this addition to the schedule under the Quarantine Act take place when we do not know what type of malady the terrorist might use? I would refer you, honourable senators, to the interim order provision under the Quarantine Act in this bill in that regard. This is an example of where an interim order authority could be used, but we do not know exactly what the content of the interim order will be at this time. In the earlier one, we knew the content would be to close off the waterway or the shipping lanes. In this one, we do not know what the malady is but we know there is a potential need to add something to the Quarantine Act to provide for that unknown eventuality.

For the third and most important level of possible interim order requirements, whereas some predictions can be made concerning accidents and resulting consequences, terrorist actions are not that easily predicted. As occurred on September 11, 2001, terrorist action may create unforeseen situations.

[Translation]

Consequently, we must anticipate that certain unknown events could occur, and interim orders will be essential to our intervention.

Along with this example, I refer the Senate to the motion to add the interim order provision to, for example, the Hazardous Products Act and the Radiation Emitting Devices Act.

[English]

In these three levels, I have observed a specific threat and a known response, a nonspecific threat and a known response. The most unsettling of the three possibilities that could well arise in a terrorist attack is an unpredicted threat and a corresponding, unknown response. That is why we need to provide for interim orders that can be issued on very short notice. However, honourable senators will appreciate that we absolutely need checks on that authority.

• (1540)

I would emphasize to honourable senators that the authority to issue interim orders is not being proposed without several constraints. That is to say, it should not and will not be used lightly. Some of those constraints are as follows: There must be a requirement for immediate action to deal with a significant threat to public safety.

[Translation]

An interim order can be made only if the legislation invoked gives the minister the authority to make an interim order by way of regulation.

[English]

The government must approve the interim order within 14 days; otherwise, it will automatically expire.

[Translation]

The interim order must be referred to Parliament within 15 calendar days.

[English]

The interim orders must be published in the *Canada Gazette* within 23 days.

[Translation]

The interim order has effect for a period of one year, but, in that time, it may be replaced by a regulation to the same effect — in that case, it will have effect for a period of two years under the Canadian Environmental Protection Act — which already exists.

Honourable senators, there is no doubt about the need for interim orders, and the restrictions on the powers set out in Bill C-7 will ensure that such situations can be closely controlled. I anticipate that these powers will be very rarely used.

[English]

In my earlier remarks, I paid attention to two specific concepts in this bill. First, I observed that there is a necessity to conduct some sort of assessment of people who are to be on board the aircraft, if we wish to achieve a reasonable level of aviation safety. I expect this principle to be understood and acceptable to us upon reflection. The details of what this assessment would involve will be based on proposed new section 4.82 of the Aeronautics Act. I expect this will be discussed in detail during committee review.

Honourable senators, the second concept I addressed was a need for interim orders. I noted that while these provisions would provide ministers with the tools needed to act quickly, where required, there are constraints that continue the overall balance of this bill, which is balancing between security and privacy.

Honourable senators, it is important to understand that the interim orders that are proposed in the bill are an exceptional tool for exceptional circumstances and that democratic accountability must be involved. This topic can be examined more closely in committee, and I have no doubt that it will be.

Honourable senators, Canada needs an effective security system, capable of adapting quickly to new demands. In the first session of this Parliament, we passed the Anti-terrorism Act, Bill C-36; in that same session, we passed Bill C-44, which amended the Aeronautics Act. Bill C-7 is the third aspect of the reaction to September 11, 2001, and the adjustment to the new realities of terrorist activity.

At the same time, we must be continually looking for ways to improve our approach to public safety and national security. Vigilance and close collaboration within and outside the borders

remain one of our best defences against terrorism. I have already made reference to the adjustments in government departments, adjustments that are just recently taking place, another example of meeting these new challenges.

Honourable senators, Bill C-7 will be a significant step towards achieving a system capable of quickly adapting to the new realities of international terrorism.

I look forward to further debate at the committee stage, honourable senators, with respect to this legislation.

Hon. Tommy Banks: Will the honourable senator accept a question?

Senator Day: I would be pleased to accept a question.

Senator Banks: The honourable senator referred to the importance of finding a balance between the new necessities that have been thrust upon us, on the one hand, and traditional rights, on the other hand.

Honourable senators have just been reminded of the Anti-terrorism Act, which came to us as Bill C-36 in the first session of this Parliament, as the honourable senator stated. It is the hope, the fervent desire, of each of us, I believe, that the new reality to which the honourable senator has just referred may not be permanent — although that seems a forlorn hope at the moment.

Out of necessity, the anti-terrorism legislation intrudes farther on individuals rights than we would ordinarily have permitted to happen in this country. My recollection is that there are similar aspects to the present bill, and the honourable senator has referred to some of them.

With respect to the Anti-terrorism Act, we took care to ensure that a comprehensive review provision was in place. As such, within three years of the bill receiving Royal Assent, the committees of both Houses would conduct such a review and report on anything that they had to say to those Houses.

Can the honourable senator tell this chamber whether a similar provision exists in Bill C-7?

Senator Day: Honourable senators, I thank the honourable senator for his question. It is important for honourable senators to appreciate that Bill C-36 was passed very quickly after September 11, 2001. If memory serves, we did a pre-study on that bill, one of the few that goes that route here, because of the concern for acting quickly. This house is always cautious and deals with matters slowly and methodically so that we can be reasonably assured that we are not overlooking some detail.

I spent some time describing the evolution of this bill, which is not in the same category. In other words, Bill C-7 does not appear to be a quick reaction to a situation, in contrast to the anti-terrorism legislation we passed in late 2001.

This bill has gone through several iterations. At each time, we have had a chance to say, "Maybe we went too far with respect to this; maybe we have need of another check or balance."

Nine of the 23 provisions in this bill deal with interim orders, which I spoke on at length because I think that is an important feature of the proposed legislation. There are sunset clauses on those orders. They disappear within one year if nothing else is done.

There are other provisions, such as the necessity for publication and filing the interim orders before each House of Parliament within a certain period of time, all of which illustrate built-in checks. Other portions of this bill implement, for example, the biological and toxic weapons convention. We would not want that to be subject to sunset provisions. That is an important part of overall public security, but it is all part of this bill.

• (1550)

In answering your question directly, I would say that it is not in the same category. It is more like an omnibus bill dealing with many concepts, some of which have sunsets if nothing is done, and some of which do not.

Hon. Mobina S. B. Jaffer: I understand that none of the provisions of Bill C-36 have been used, and there will be a review. Could you please tell us why there is a necessity for this bill at this point until that review has taken place?

Senator Day: My understanding is that Bill C-36 deals with Criminal Code provisions and terrorist activities under the Criminal Code. This bill is not a Criminal Code-oriented bill. It deals with many different statutes — 23 different statutes, in fact. It deals with a different subject-matter, such as how departments are to function. For example, portions in here deal with protecting intellectual property and information technology in the Department of Defence. It is a different bill and a different concept. We normally think in terms of Criminal Code provisions as being something that is much more intrusive to the individual. The intrusive aspect of this bill that we have to be concerned about is the privacy issue.

Senator Jaffer: Perhaps I did not hear correctly. The honourable senator said that this bill was also to deal with people who come to our country without proper papers or who come illegally. Did I hear that correctly?

Senator Day: I did not say "without proper papers," but I did refer to people coming to our borders from an immigration point of view, or as a tourist illegally or in an improper manner.

Senator Jaffer: Am I to understand that this bill is in addition to our immigration bill? Is this another way of restricting entry into our country of people who are trying to seek refuge in our country?

Senator Day: I hope that legitimate refugees and legitimate visitors and legitimate immigrants and new Canadians would not find this bill as being in any way restrictive.

Hon. A. Raynell Andreychuk: I heard the honourable senator say that this is just an intrusion on protection and not on people's rights. Is it not a fact that Bill C-36 certainly intrudes on rights? There are some limitations on ministerial discretion and ministerial action, and there was debate about whether, in fact, we struck the right balance.

In this bill, 23 acts give the minister, by way of interim orders, virtually absolute discretion vis-à-vis Canadian citizens and others, in some cases, I submit. The order stands for 14 days, 30 days or a year, depending on which act you are amending. Within that period, it is within the Minister's absolute discretion. Is this not more intrusive and more dangerous to the individual than even Bill C-36?

Senator Day: I thank the honourable senator for her question. I hesitate to get into too much of the detail at second reading of this bill, and I look forward to debating that issue in committee.

It is important for honourable senators to recall a point that I made earlier: The ministers have the authority to make interim orders only where the subject-matter has, by this honourable chamber, already been allowed by regulation. He or she must have general authority in regulation before an interim order can be made. That is an important check on all of this area that would prevent ministers from taking the extreme position that the honourable senator has suggested.

Senator Andreychuk: To follow up, is it not correct that before the minister could act, there was a certain process that the minister had to go through, and so, therefore, there were checks and balances. Now the minister can act immediately using this absolute discretion under the principle that it is an emergency. Are we not taking away individuals' rights to at least defend themselves in those positions because we say it is an emergency? Why are we not using the Emergency Measures Act, which would give the ministers that kind of power anyway, or why would we not use the National Securities Act?

Senator Day: I have two briefing books on that question, and I look forward to debating those issues. I do not know that at this stage, when dealing with the bill in principle, I could adequately answer your question any better than to say that the Emergency Measures Act would probably be a bit cumbersome when dealing with some of the issues that have to be dealt with under these various interim orders that are described in this particular legislation: the Shipping Act, the Quarantine Act and the various environmental acts. Using the Emergency Measures Act in that instance is deemed to be a little bit heavy-handed.

Senator Andreychuk: These are very difficult and complex issues. Many of them touch on legal aspects of how interim orders could be interpreted, how they could be appealed and whether the person who would be aggrieved would simply be entitled to administrative review as opposed to a full appeal. Nowhere in the bill do we see the kinds of safeguards that we fought for in Bill C-36, which in my opinion were not sufficient, but at least there were some there. These are complex legal issues. Would you

not agree that they deserve our attention? The principle of gaining security for Canadians is not being disputed. We do have to question whether we are obtaining security at the expense of individual rights, and also whether there might be a better way than those methods chosen in this bill.

Senator Day: I think the honourable senator has laid out the grounds for debate at committee level.

Hon. Laurier L. LaPierre: Honourable senators, I am concerned about all those things. I find the word "terrorism" is being used to cover practically every aspect of human living. I have not seen the word "terrorism" defined anywhere. It can mean something today, and it can mean something else tomorrow or the day after. We are now developing what I think is a succession of War Measures Acts in order to be able, at the end of the day, to protect ourselves whilst restricting more and more the liberties of the Canadian people, closing more and more of our borders and our frontiers, and putting us all into a position whereby some of our fundamental liberties may be seriously affected by whatever definition a person in authority may give regarding a certain event not provided for or defined anywhere else in legislation.

• (1600)

Therefore, I ask Senator Day, as a man of great liberty, who has gone to a college that has instilled in him the need for the liberty of the Canadian people and the defence of them, and in the presence of Senator Cools of course, who knows all answers to all these questions, are we not really extending the role of intervention in our privacies and in our liberties with this business of terrorism?

Senator Day: I believe Senator LaPierre has expressed the concerns of all honourable senators in this chamber about individual rights and liberties, the need for collective security, and how they come head—to head with one another from time to time.

The honourable senator made reference to the War Measures Act. It is my understanding that the interim orders and the other measures proposed in the public safety bill are for the very purpose of avoiding that heavy-handed tool, which at the time might have been the only tool available for use in a very short period of time. We are looking for an acceptable compromise that can help our collective society, but it must be as unobtrusive as possible with respect to individual rights.

The Hon. the Speaker: Honourable senators, I regret to advise that the Honourable Senator Day's 45 minutes have expired. In fact, we went a little over the prescribed time. However, I have an indication from Senator Fraser that she wishes to speak. Accordingly, we will hear her intervention and perhaps Senator Di Nino will wish to speak as well. I understand that Senator Andreychuk will want to adjourn the debate.

Hon. Anne C. Cools: Honourable senators, I rise on a point of order. I wonder if I could entreat upon His Honour to make the point that it is not in order for some senators to constantly mention other senators' names during their remarks on the floor.

Senator LaPierre seems to find my name irresistible, and I would love it if he could relinquish the attraction he seems to have for my name. It is not in order for senators to constantly mention other senators' names the way Senator LaPierre mentions mine. I must admit to honourable senators that I find it tedious and boring, and not particularly enlightening, or even witty or amusing.

The Hon. the Speaker: Honourable senators, Senator Cools' intervention speaks for itself. If honourable senators would permit, I would leave Senator Cools' comments as a stand-alone intervention, which senators should acknowledge.

Hon. Joan Fraser: Honourable senators, I had intended to put this as a very brief question or comment after Senator Day's wide-ranging and very thoughtful speech, but Senator LaPierre raised a question that has perturbed us greatly since 2001, when he referred to defining "terrorism."

The Hon. the Speaker: Honourable senators, there is one matter that I do want to ensure I get right. There is a tradition that 45 minutes be given to the first and second speaker, a time limit which will be respected for Senator Andreychuk on the opposition side. However, I point out that Senator Fraser's is a limited-time speech.

Senator Fraser: I apologize that I had forgotten that fact. In no way do I wish to diminish Senator Andreychuk's time because it will be very interesting to hear what she has to say.

I note for senators concerned about this matter that the special committee that studied Bill C-36, on which I had the great honour to serve, spent a lot of time on the question of whether to define "terrorism," and there was a strong sense that in Canada we do not make "isms" illegal. We do not make it illegal to hold a belief. What we make illegal is certain activity. Bill C-36 contains a carefully drawn definition not of "terrorism" but of "terrorist activity," and that is what is made illegal. It is in my view a well-drawn definition, and it would bear re-reading for any senators concerned about these matters.

On motion of Senator Andreychuk, debate adjourned.

SPAM CONTROL BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Oliver, seconded by the Honourable Senator Gustafson, for the second reading of Bill S-2, to prevent unsolicited messages on the Internet.—(*Honourable Senator Poulin*).

Hon. Marie-P. Poulin: Honourable senators, several years ago I had the privilege of chairing a special study of the Standing Senate Committee on Transport and Communications, which was to investigate and report on the technological revolution that was

literally changing global communications. The results of our committee's work were two tabled documents that examined Canada's position in the wired world, ranging from our electronic infrastructure to the content being carried by wire, cable and satellite.

The first report tabled in 1997, already seven years ago, provided snapshots in time of the fundamental changes that were then occurring. The "death of distance" came to name the impact of the new information age. The study noted that government legislation, regulation and monitoring bodies were lagging behind the phenomenal explosion in technological development.

In 1999 the second report, entitled "Canada's Positioning Within the World's Technological Revolution," was tabled. It focused to a considerable degree on the emergent impacts of the Internet. Indeed, the first recommendation contained in this report called upon the government to proceed with haste, along with other governments, within the appropriate international forum, to address problems associated with Internet content — for example, racism, pornography, violence. In the intervening years, certain laws have been enacted, industry standards have been implemented, technology has been constantly refined and consumer groups have been established to deal with the new information reality.

What was not readily apparent at that time was the scourge of spamming, the practice of bulk commercial and non-commercial messages sent out unsolicited to millions upon millions of computers. For all those who use the Internet, spamming is a curse. First, it clogs up cyberspace. Second, it is a nuisance to personal and business consumers. Third, it costs enormous amounts in human financial capital.

In Canada, it is estimated that spamming has cost the economy \$1 billion through lost productivity in dealing with the vast deluge of unwanted e-mail, higher costs for IT capability, such as bandwidth and more powerful equipment, and help-desk expenses to eliminate gummed up inboxes.

Honourable senators, spam is to modern telecommunications what flyers and brochures were to our household mailboxes several years ago — in other words, junk.

• (1610)

According to some Internet observers, spam is a potential threat to the very viability of the Internet because of the incredible amount of useless, unwanted material that is being rained on unsuspecting on-line users, from individuals to corporate accounts.

That is why, honourable senators, I stand before you today in support of Bill S-2, and that is why the originator of the bill, Senator Donald Oliver, deserves our compliments for the prodigious amount of time and effort he has put into drafting a piece of necessary legislation. Senator Oliver is to be commended for his initiative and for bringing an urgent matter to our attention.

As I mentioned a moment ago, all governments in all countries have problems simply keeping up with the very fast pace of technology. However, here in Canada, progress has been made in protecting Canadians through changes to the Criminal Code and the introduction this year of the Canadian Personal Information Protection and Electronic Documents Act. There is a working group on electronic commerce and consumers and a Web site also designed to protect Internet consumers, but they have limitations.

For the information of honourable senators, the Web site's address is www.ad-ware.com. The working group's "principles for consumer protection for e-commerce" is just that — a set of principles. The Web site, which offers free software designed to identify and delete cookies that identify visitors to a particular site, is sometimes difficult to comprehend. In short, more needs to be done to combat e-mail abuse, and I believe that legislation like Bill S-2 is needed. It specifically identifies problems, imposes a set of standards on Internet service providers and provides penalties for abuse.

Clearly, spam is an intrusion into the privacy of individuals, and all individuals, as well as businesses large and small, must devote time and resources to dealing with it.

Equally as disturbing as the loss of control implicit in the bombardment of unsolicited e-mail is the blatant fraud scam promotions, purveyance of pornography, and identity theft that is inherent in the messages. These are the objectionable aspects of Internet spamming that this bill is designed to combat.

Honourable senators, the appeal of Bill S-2 is the holistic approach it takes to a serious modern day problem. Senator Oliver's position, with which I concur, relies not simply on one avenue but multi-faceted ways to achieve the bill's objectives. These comprise the development of effective technology, such as filters to block the delivery of spam; industry practices, such as rules for ISPs that control unsolicited bulk e-mail; law enforcement with appropriate penalties, and the all-important need for international cooperation.

Proposed deterrents to spamming are provisions that would give Internet users the choice of whether to subscribe to commercial notices. E-mail messages would require buttons to allow recipients to opt in or opt out of subscriptions. Opting in would indicate the user's interest in receiving future e-mails. Opting out would put a stop to any further communication from the purveyor. However, critics have pointed out that this could place an intolerable burden on e-mail accounts, with users having to signal their intentions to the sender of each message.

To simplify the procedure, Bill S-2 proposes an official "no-spam list" that would allow Internet users to register their objections to receiving unsolicited commercial advertising and promotions. Those sending messages would be prohibited from sending e-mails to registrants. Flexibility could be given to the appropriate minister responsible for the bill in determining the parameters of the list in matters such as the duration of a no-spam registration and a process for reversing an opt-in and opt-out preference. Parents could use the no-spam database to

block messages to their children. In short, this legislation would ban e-mails without the explicit consent of the recipient, a practice that is being used in the European Union. This is a privilege that users of Blackberries have. Only those e-mails that are filtered to that device reach it. Therefore, the user consents, even chooses.

Honourable senators, it is important to remember that the main objective of Bill S-2 is to give Canadians control over the messages they receive rather than having the power vested in the sender. Although Canada has some safeguards to cut down on unwanted commercial messages or at least to track their source, it trails many other countries in introducing and enforcing spam legislation.

Thirty countries in the Organization for Economic Co-operation and Development have tabled guidelines for international cooperation in protecting consumers against spam originating outside their borders. Australia has hefty fines of up to \$1 million a day for anti-spamming violations. The United Kingdom has penalties of \$11,000 or more. Italy can levy fines of up to \$110,000. California has joined the war on junk e-mail with fines of U.S. \$1,000 per message or up to a \$1 million per campaign — the toughest anti-spam penalties enacted among 35 states.

The suggested penalties of \$500 and \$5,000 in Bill S-2 are for discussion purposes and could be lowered or raised depending on recommendations from the standing committee that will study the bill.

Plainly, people are fed up with electronic garbage in their mailboxes which, as Australia's communications minister said, "is commonly used to promote illegal, offensive and unscrupulous ventures, such as black-market drugs, porn, bogus prizes, money laundering and other false and/or fraudulent material."

Also, of course, indiscriminate e-mails can crash computers, slow Internet traffic and infect every computer they touch with destructive viruses. Estimates suggest that spam can account for 60 to 70 per cent of e-mail traffic by the spring or the middle of next year. According to the U.S. Federal Trade Commission, two thirds of spam may contain misleading or outright false statements.

Honourable senators, the bill before us is important. Spamming is becoming an increasingly larger problem. Heightened attempts to educate consumers on the dark side of the Internet have failed to reduce the number of spam messages getting through to them. In fact, if, as some argue, the solution lies in more sophisticated filtering software to block unsolicited e-mail, then it would seem that the problem should already have been solved.

• (1620)

Alas, for each technological improvement, spammers have figured out how to circumvent software programming. Internet service providers are trying to clamp down on the problem, but they, too, are being thwarted by lack of strong laws, even if they could keep track of spammers.

Some interested parties in the Internet business have reservations about legislation. They say anti-spam laws will not work; that the very idea of a government overseer, in the form of an industry monitoring agency, would favour the major players at the expense of smaller competitors; that small- and medium-sized businesses would be shut down; and that an approved e-mail filter is required of all ISPs. I submit these concerns are details that should not be allowed to derail a creative and bold attempt by Senator Oliver to curb a serious problem, a problem that impacts on businesses, the general economy and individuals, especially children.

Bill S-2 would create an Internet environment where users could block all unsolicited e-mail by registering on the no-spam list or by selecting the commercial e-mail they want to receive. This bill would bring Canada into line with many other countries which have enacted anti-spamming legislation to control an obvious global problem, albeit with varying degrees of success. For Canada, it would be a new tool in the arsenal against a blight on one of the most significant technological advances of all time, communication through cyber-space.

Legislation, together with continuing advancements in filtering technology and unflagging attention to educating our children against pernicious messages and predatory surfers, will at least help control the vulgarity, fraud and deceptive practices now assailing us at home and at work.

We cannot wait until sure-fire technology is developed and mass marketed and industry standards are agreed upon. The time for action is now, since the problem is real. In the same way, honourable senators, the solutions should also be real.

I urge honourable senators to endorse the principles of Bill S-2 and to refer the bill to committee for further study.

On motion of Senator Stratton, debate adjourned.

STATUTES REPEAL BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Banks, seconded by the Honourable Senator Moore, for the second reading of Bill S-11, to repeal legislation that has not been brought into force within ten years of receiving royal assent.—(*Honourable Senator Banks*).

Hon. Tommy Banks: Honourable senators, I will not regale you with the story of the provenance of this bill, no matter how scintillating it is. It is called Bill S-11. In its previous incarnation it was Bill S-12. Like the bill to which Senator Poulin has just spoken, among the bills which we have been hearing about for the last few days, this is a sort of unusual bill in that it is not now exactly as it existed in the previous session of Parliament. It is very close, and its intent is exactly the same. However, it is slightly different.

Honourable senators, I will cut directly to the chase in respect of the point of the bill. The object of this bill is to bring about the repeal of certain pieces of legislation, specifically those pieces of legislation which are acts of Parliament and which have received Royal Assent, that are in place but are not in force, although they could, at any time, be brought into force.

Why would an act of Parliament not be in force? It is because of one of the last paragraphs of every bill called "coming into force" which says either specifically, or to the same effect, "This act will come into force at a day and time to be determined by the Governor in Council." There are many good reasons why governments need to have that flexibility, and need to have it for a considerable amount of time. It may be something as mundane as, "We would really like to do this but we do not have the money to do it right now;" or as arcane as a number of conditions precedent having to do with international conventions and the like. For whatever reason, many of the bills that come before us contain that provision. They are passed by Parliament. Therefore, there is a granting of authority of great discretion to the government as to when that act will be brought into force.

The questions that gave rise to this bill are these: How long should the government enjoy that discretion? How many successive governments, after the one to which that discretion was originally given, should continue to enjoy it? For how long should that go on? This bill has made the arbitrary choice of saying that that should be 10 years; that that is a reasonable enough time. It could be five, it could be 20. The thrust of the bill is that there should be some time at which, with respect to that authority which has been delegated by Parliament to the Governor in Council, the Governor in Council, the government, ought to be obliged, I believe, to come back to Parliament and explain that they still need to have that arrow in their quiver. They still need to be able to bring that act into force and effect, notwithstanding that the time at which the bill was first devised, introduced, debated and passed was in circumstances that are utterly different, given the time lapse, from the circumstances in which the act would be brought into force. The circumstances that obtain will, by definition, be different, and sometimes vastly different.

The number of statutes that are on the books today about which that is true and which are older than 10 years depends on which of the lists I have before me that you look at. I have four such lists. In all, there are 50-some statutes, acts of Parliament or sections of acts of Parliament which exist and which could be brought into force by a government other than the one which was in place when the bill was first devised, in circumstances that are different from those in which the bill was first devised and in which Parliament first passed them.

There is no doubt that government needs to have that flexibility from time to time in respect to some bills. The question of the length of time gives rise to the rhetorical question that I ask: Has the government been granted the right to determine whether, as opposed to when, an act will be brought into force?

One of the responses from officials from the Department of Justice to questions asked in the committee studying the bill in the last Parliament about what the effect would be on certain acts was, "Yes, we should repeal that bill because the government will not bring that act into effect." In other words, the government intends to act in ways other than those in which Parliament determined that it should act. The government has decided not when to bring a particular act into force, but whether to bring same act into force.

• (1630)

During the course of the discussions of Bill S-12 in the Legal and Constitutional Affairs Committee in the last session, a circumstance was cited that involved a case in England that was referred to the law lords. It was not precisely analogous to this situation, but it contained in it references to a similar situation.

I should like to read into the record for the interest of honourable senators some excerpts of what the law lords observed. These examples are attendant to the bill before us.

Lord Keith of Kinkel observed — and this is fundamental — that "the executive is unquestionably answerable to Parliament." In other words, as I read it, the executive does not have the option to decide, Parliament having passed an act of Parliament, that the government will not bring into force acts contrary to the will of Parliament.

Lord Browne-Wilkinson said that:

To hold that the executive has an absolute and unfettered discretion, whether or not to bring a section of an act into effect, would lead to the conclusion that both Houses of Parliament had passed the bill through all its stages and the act received Royal Assent merely to confer an enabling power on the executive to decide at will whether or not to make the parliamentary provisions a part of the law.

He further observed that:

Such a conclusion is not only constitutionally dangerous, it flies in the face of common sense. It would be most surprising if, at the present day, prerogative powers could be validly exercised by the executive so as to frustrate the will of Parliament expressed in this statute and, to an extent, to pre-empt the decision of Parliament.

Lord Mustill, in his judgment, observes that:

Parliament has its own special means of ensuring that the executive, in the exercise of delegated functions, performs in a way which Parliament finds appropriate, for it is the task of Parliament and the executive, not the courts, to govern the country. In recent years, however, the employment and practice of these specifically parliamentary remedies has, on occasion, been perceived as falling short and sometimes well short of what was needed to bring the performance of the executive into line with the law and with the minimum standards of fairness implicit in every parliamentary delegation of a decision-making function.

Lord Lloyd of Berwick said that:

It might cause surprise to the man on the Clapham omnibus that legislative provisions in an act of Parliament which have passed both Houses of Parliament and received the Royal Assent can be set aside in this way by a member of the executive. It is, after all, the normal function of the executive to carry out the laws that Parliament has passed. The mistake, if I may, is to treat the sections as if they did not exist. True, they do not have statutory force, but that does not mean that they are writ in water. They contain a statement of parliamentary intention, even though they create no enforceable rights. Approaching the matter in that way, I read that section as providing that —

— and he reverts to the sections of the act —

...shall come into force when the Home Secretary chooses and not that they may come into force if he chooses. In other words, the section confers a power to say when but not whether.

I could go on and quote a great many more of their lordships' observations to the same effect, but they give rise to the question that I posed earlier — which is this: How long is a reasonable time for Parliament to permit the continuance of a discretion that it has granted to a government, and then to the government after that, and then to the government after that, and then to the government after that? If we deal with this, honourable senators, and if we were to pass this bill after a study by the appropriate committee, we would be cleaning out the attic, in effect, and obliging the government to come back to Parliament and say, "We still need to have that."

The leeway that is given in the present bill to government is considerable because the present bill says that it will not come into effect until two years after the Royal Assent, then a list would be placed before both Houses of Parliament at the beginning of each calendar year setting out those bills that, at that point, are at least nine years old, having received the Royal Assent and not yet brought into force. There is lots of notice to the government to use it or lose it.

I hope honourable senators will agree that this bill should be sent to committee for study at the first opportunity.

Some Hon. Senators: Hear, hear!

On motion of Senator Cools, debate adjourned.

[Translation]

ROYAL CANADIAN MOUNTED POLICE ACT

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Pierre Claude Nolin moved the second reading of Bill S-12, to amend the Royal Canadian Mounted Police Act (modernization of employment and labour relations).
—(Honourable Senator Nolin).

He said: Honourable senators, it is a pleasure and an honour for me to speak at second reading of Bill S-12, which seeks to thoroughly modernize the *Royal Canadian Mounted Police Act* as regards labour relations.

First, I want to point out that Bill S-12 is a replica of former Bill S-24, which I tabled last October 23 in this chamber. As you know, this legislation died on the Order Paper on November 12, when we prorogued.

Since tabling this bill in October, I have received expressions of support from, as you can imagine, members of the RCMP, but also from associations representing the various Canadian police forces and from citizens.

I should add that even some of you encouraged me to pursue my efforts. These testimonies, and I thank those of you who expressed their support to me, have convinced me of the need, for the sake of public security, of conducting such a reform in the coming months.

The RCMP was established in 1873. For over 130 years its traditions, the professionalism of its members and its excellent international reputation have been a great source of national pride for Canadians and an important symbol of our country. In recent years, a number of RCMP members have strongly and energetically criticized the provisions relating to their labour relations.

For example, they criticize, and with good reason, the high costs to Canadian taxpayers, and also their lack of transparency, fairness and impartiality.

Through the research and consultation work that I did before tabling Bill S-12, I discovered, as I will show later on, that this regrettable situation is the root cause of abuse on the part of the employer, of the deterioration of the members' morale, and of lowered personal and professional self-esteem among the staff.

• (1640)

It is also responsible for the frustration and cynicism RCMP members feel with respect to the current procedure for determining working conditions, on the one hand and the outdated — I would go so far as to say paternalistic — and highly controversial mechanisms for settling grievances and dealing with disciplinary matters on the other.

Honourable senators, the members of the RCMP deserve that we should look into these serious problems that might work against the primary objective of our national police force, which is to protect Canadians. I strongly believe that the safety of our fellow citizens depends not only on the implementation of better accountability procedures within the RCMP, but also on the quality of labour relations within that organization.

The main purpose of Bill S-12 is quite simply to improve labour relations so that the RCMP can carry out its mandate effectively.

Honourable senators, I am proud to say that this bill constitutes the first major reform of employer-employee relations in the RCMP since Bill C-65 was passed in 1986.

The purpose of that bill was to implement a series of recommendations set out in 1976 in the report of the important Commission of Inquiry Relating to Public Complaints, Internal Discipline and Grievance Procedures within the Royal Canadian Mounted Police, better known as the Marin report.

I do not, honourable senators, intend to repeat my speech of October 29, but I would like to focus on certain elements of the bill in order to explain why it is necessary for the Senate to adopt it.

According to the official figures, setting aside the senior ranks, the provisions of this bill will apply to approximately 15,000 members of the RCMP. Federal public servants who work primarily within administrative units of the RCMP would be excluded from the application of Bill S-12 because their working conditions and their internal grievance or disciplinary procedures are already governed by the Public Service Staff Relations Act.

Because of the historic nature of the reform I am proposing today, Bill S-12 includes a preamble, which sets out the principles on which implementation and interpretation of the provisions of this bill are founded.

Thus, it first recognizes that the right to certification and the right to collective bargaining are basic principles on which the workplace is organized, in the private and public sectors in Canada.

Next, it points out that the members of the RCMP, unlike members of most civilian police forces in Canada, do not have these rights, and that this situation is a source of injustice and continuing frustration and may even threaten the safety and security of Canadians.

Third, it states that the establishment of good staff relations within the Royal Canadian Mounted Police will enhance protection of the public, since the peace officers will spend more of their time carrying out their duties to the public, as they will be aware that the representatives of an accredited police association will be defending their interests with respect to working conditions and internal grievance and disciplinary procedures.

Finally, the preamble states that the RCMP, in order to enjoy the trust and respect of the public, must be accountable to Canadians, not only through the Royal Canadian Mounted Police Public Complaints Commission, but also through an internal discipline and grievance procedure that is consistent with the principles governing due process of law, notably fairness, impartiality, independence and expeditiousness.

Considering the preamble I have just summarized, Bill S-12 recognizes, for the first time in history, the right of members of the RCMP to speak out democratically and freely on the possibility of unionizing.

Since 1873, the federal government has always denied members of the RCMP the right to certification and collective negotiation.

In 1918 a federal order-in-council strictly forbid participation by members of the force in trade union activity, on penalty of summary dismissal.

To justify this policy, the federal government stressed, as its modern counterpart still does today, the need to protect the public by maintaining a stable national police force, the specific tasks of the members of the RCMP, the need to subject them to a paramilitary type code of discipline and the existence of possible conflicting loyalties, with some members of the RCMP showing more loyalty to their police association than to those in command, should there be a labour dispute.

In 1967, after more than 25 years of waffling, federal public servants gained the right to accreditation and collective bargaining, with the enactment of the Public Service Staff Relations Act by the federal government.

Pursuant to the order in council of 1918, this legislative text passed in 1967 contains a provision expressly excluding the RCMP from the application of what would become the new staff relations regime within the federal public service.

In 1974, in order to counter the efforts of certain members of the RCMP to obtain the same rights as other federal public servants, the federal government abrogated that order in council and that same year established the Division Staff Relations Representative Program.

Honourable senators, the organizational structure of this program would appear at first to be similar to that of an association accredited under the Public Service Staff Relations Act. It is composed of members of the RCMP who have been selected as DSRRs in order to represent their colleagues before the employer, on the one hand, and to advise the employer about labour relations, on the other.

However, a more in-depth analysis of the way this program operates shows that it is quite different from the system for the federal public service. First, the staff relations representatives cannot be compared to union representatives because they are part of the RCMP hierarchy.

Furthermore, the program is entirely funded by the employer.

According to documents obtained under the Access to Information Act, this initiative is costing Canadian taxpayers at least \$3.2 million annually.

Finally, there is no independent mechanism to resolve disputes between staff relations representatives and the employer.

Consequently, the administrative authorities and the RCMP high command have, to their employees' detriment, great latitude not only in establishing working conditions, but also dispute resolution mechanisms or disciplinary actions.

• (1650)

Honourable senators, as I mentioned earlier, the members of the RCMP are denied the right to certification and collective bargaining currently enjoyed by most peace officers working within other civil police forces in Canada, the United Kingdom, New Zealand and Australia.

I invite you to consult an excellent study by the Parliamentary Research Branch of the Library of Parliament on this important issue. The study is on unionization at the RCMP and was handed out to you in October 2003. Those of you who did not receive the study or who already passed it on to someone else, need simply contact the staff in my office to obtain another copy.

This study shows that over the years, the RCMP has evolved a great deal — like the rest of Canadian society, it goes without saying. From the basic paramilitary force it was in its beginnings in 1873, the RCMP is now a national civilian police force that provides essentially the same services as other Canadian police forces.

Most of its activities are directed to its contracted services — contract policing operations — in eight Canadian provinces, excluding Quebec and Ontario. More than 200 municipalities, 65 Aboriginal communities and 3 airports use this type of contract service.

Currently, more than 60 per cent of RCMP members are assigned to law enforcement under these contract agreements.

They provide essentially the same services as the municipal and provincial civil police forces that are entitled to accreditation and collective bargaining.

In order to correct this situation, some members of the RCMP have gone to court over the ban on forming an employee association.

In 1985, Members of "C" Division — which comprises the Quebec detachment — formed the Association des membres de la Police montée du Québec under Staff Sergeant Gaétan Delisle.

In 1987, Mr. Delisle undertook a lengthy legal battle to have the exclusion under the *Public Service Staff Relations Act* for members of the RCMP struck down.

In support of his case, the plaintiff stated that this violated section 2(d) of the Canadian Charter of Rights and Freedoms, which guarantees all Canadians the freedom of association.

However, given his awareness of the importance of his profession, the need to protect the public and the practices of other Canadian police forces, Mr. Delisle — and the members of his association — never demanded the right to strike.

It is remarkable that, despite the considerable difficulties they have faced since the early 1970s, members of the RCMP have always used peaceful and legitimate means to promote their cause.

In comparison, in the UK, members of both the English and Welsh constabularies obtained the right to accreditation and collective bargaining in 1919 — over 84 years ago — after an illegal strike and other pressure tactics involving civil disobedience.

In September 1999, in a majority decision, the justices of the Supreme Court of Canada in *Delisle v. Canada (Deputy Attorney General)* categorically dismissed the argument that the right of association guaranteed in the Charter expressly guarantees RCMP members the right to form an accredited association under the Public Service Staff Relations Act and thus to have access to collective bargaining.

In the opinion of the majority, this kind of recognition would unduly limit the ability of Parliament or a provincial legislature to regulate labour relations in the public service.

Given that Quebec members of the RCMP had been able to freely form an independent employee association, the majority of the court found that their right of association had not been interfered with, and that it was the exclusive prerogative of the Parliament of Canada to recognize the right claimed by Mr. Delisle, through legislative amendments.

Rather amazingly, in December 2001, a majority of justices of the Supreme Court of Canada, in *Dunmore v. Ontario (Attorney General)*, contradicted their own majority opinion in *Delisle*.

They found that recognizing freedom of association for the Ontario farm workers called expressly for the creation of a union!

Honourable senators, the majority opinion of the Supreme Court in *Delisle* that modifying the labour relations regime for members of the RCMP was the prerogative of Parliament led to the introduction of Bill S-12.

Nonetheless, other factors, in addition to those that I mentioned at the beginning of my speech, also prompted me to move ahead on this issue.

While the legal proceedings in *Delisle* were underway, two other associations of members of the RCMP were created in Canada, one in Ontario in 1990, and the other in British Columbia in 1992, illustrating the flaws in the Staff Relations Representative Program and the desire to change the staff relations regime within the RCMP.

On September 22, 1989, former RCMP Commissioner Norman Inkster made a surprising statement in connection with the *Delisle* case before the Quebec Superior Court.

According to him, the federal Parliament was ultimately responsible for the staff relations framework applying to the RCMP — so far so good. If the law were amended as Mr. Delisle wanted it to be, this would not affect the administration of the RCMP inordinately.

This position was recently reiterated by the caucus of RCMP Staff Relations Representatives, as reported by *Pony Express* magazine in its November 2003 edition.

This is the national, official, internal magazine of the force. It reported that during a meeting in Ottawa in the fall of 2003, the caucus of RCMP Staff Relations Representatives said it did not object to RCMP members voting on the question of unionization if Bill S-12 were to pass.

In 1995, the important task force report on revision of the Canada Labour Code, Part I — better known as the Sims Report — entitled “Seeking a Balance” recommended unionization for the RCMP, under some other legislation than the Canada Labour Code.

The task force felt that adoption of such a policy would not have any negative impact on operational control of the RCMP or protection of the public interest.

Taking all these factors into consideration, Bill S-12 provides for the right to accreditation and collective bargaining by creating, within the RCMP Act, a system that is distinct from the one set out in the Public Service Staff Relations Act.

In order to foster the implementation of harmonious staff relations within the RCMP and to ensure the credibility, transparency, independence and smooth operation of this initiative, it will be administered by the PSSRB, the Public Service Staff Relations Board, referred to hereinafter, in my speech, as the “Board”.

• (1700)

The bill sets out a complete and transparent procedure to enable, as I mentioned earlier, that RCMP members speak democratically and freely on the creation of a police association. If they vote NO, everything we adopted would be voided. The bill gives RCMP members the right to speak out on the possibility of unionising.

In this regard, the bill does not require that such an association be created within this police force.

If the majority of members vote in favour, the association would act as the bargaining agent certified by the Board to negotiate improvements to the working conditions of the members of the RCMP.

The association will also be responsible for defending employees during the resolution of grievances or the imposition of disciplinary measures.

Given the particular way the work is organized within the RCMP, the duties performed by its employees, along practices observed in other jurisdictions in Canada, the United Kingdom and Australia, this association will consist solely of members of the RCMP and will also not be allowed to affiliate with the larger unions representing the majority of federal public servants.

This bill also contains measures to protect members from intimidation or any other unfair practice by the employer aimed at preventing the members of the RCMP from associating.

Once the certification process has been duly completed, Bill S-12 sets out a procedure similar to the one that currently exists within the federal public service aiming at the negotiation in good faith of the first RCMP collective agreement and its renewal.

The bill also includes recourse to conciliation or binding arbitration should negotiations reach an impasse.

The Board will oversee the application of these two distinct types of dispute resolution.

The Board could appoint a conciliator to bring both parties closer together or, under certain criteria, an independent arbitrator to resolve legal disputes.

Decisions taken under the arbitration process will be binding and not open to appeal.

Honourable senators, the collective bargaining procedure proposed in Bill S-12 seeks not only to promote the positive resolution of labour disputes within the RCMP, but to ensure better public protection.

The implementation of a binding arbitration process — the practice in most of the other civilian police forces in Canada, the United Kingdom, Australia and New Zealand — would deny the members of the RCMP the right to strike in the event of an impasse in negotiations with the employer. I repeat, Bill S-12 does not grant RCMP members the right to strike.

This ban applies to work slowdowns and any other activity to reduce productivity.

The bill is very clear on this and imposes criminal measures for illegal walkouts.

Should members of the RCMP commit acts of vandalism or mischief or disturb the peace during collective bargaining, they will be subject to criminal charges or discipline under the Royal Canadian Mounted Police Act.

Honourable senators, I previously cited a series of arguments that have been used to support the federal government's continuing refusal to propose a reform similar to the one proposed in the Bill S-12.

Honourable senators, in 2004, this refusal and the government's arguments behind it are no longer justified, have no reason to exist and are, in fact, detrimental to public safety.

In my view, the professionalism and restraint shown by certain members of the RCMP in this contentious issue, the aforementioned comments by former Commissioner Inkster and the recent comments by Staff Relations Representative Program Caucus, the recommendations of the Sims Commission, the evolution of the RCMP and the no-strike clause in this bill show beyond a doubt that the creation of an accredited police association would not have a harmful effect on public protection, the administration of the RCMP or discipline.

What is more, the federal government is trailing not only in the provinces and municipalities, but also other Commonwealth countries.

In addition to England and Wales, which I have already referred to, Australia recognized its police forces' right to accreditation and collective bargaining in 1942. New Zealand did so in 1935.

Regarding the presumed conflict in loyalties and the chaos that would result from the creation of a police association within the RCMP, this argument is unfounded, since the practice in other jurisdictions proved that this never really materialized.

Truth to tell, as a responsible parliamentarian who is concerned with public safety, I am more concerned by the fact that police officers must currently fight for their basic rights to be recognized during a disciplinary hearing or a grievance, too often to the detriment of public protection. Anyone looking for a problem consisting of poorer quality protection of Canadians will find one now. I will cite a few cases shortly that will make your hair stand on end.

That said, let us move on to the second part of the bill, which deals with grievance and discipline procedures under the RCMP Act.

Honourable senators, the debate on the unionization of RCMP officers has often been linked to ineffectiveness, a lack of impartiality, speed, and transparency and, above all, independence with regard to the highly complex processes of grievances and discipline.

At the present time, over 1,100 grievances from civilian members with concerns about a unilateral decision by RCMP high command to change their job classifications has swamped the internal procedure for the processing of these files.

According to a series of reports released by the RCMP external review committee in recent years, the time taken to settle grievances or to impose disciplinary sanctions all too often exceeds the statutory time limit and can take several years.

The committee also reports that, besides the significant costs to the RCMP, this worrisome situation is a source of considerable tension for members, their family and colleagues, particularly in the case of disciplinary action resulting in suspension without pay or even dismissal.

I want to stress that this may also affect the confidence of Canadians in an effective and professional national police force.

Currently, an RCMP member may file a grievance concerning the working conditions enforced by his employer. What happens when such a grievance is filed?

The legislation states that the RCMP Commissioner is the final level of appeal for decisions made by a lower level with respect to a grievance.

Before making a decision, the Commissioner must refer certain categories of grievances to the RCMP's external review committee.

• (1710)

Even though the members of this committee are appointed by the Governor in Council, they can only review the cases referred by the Commissioner.

Moreover, the review committee only has the authority to recommend to the Commissioner, and thus has no means of making its advice binding.

In order to correct this situation, the bill eliminates the review committee and replaces it with an independent, external adjudication process, similar to the one that exists for the federal public service.

In this system, a grievance that has gone through the entire internal grievance process may be referred to a board of adjudication, where the employer and the police association are represented, and costs are shared on an equal basis by both parties.

The operation of this new process will be overseen by the Public Service Staff Relations Board, and the decisions made as part of this process will be binding.

With respect to serious disciplinary action for offences under the code of conduct, the Royal Canadian Mounted Police Act provides that, following the presentation of a complaint by the employer, a board of adjudication composed of three RCMP officers shall be established.

This board shall determine the appropriate penalty to prevent any repeat offence.

The member may appeal the board's decision to the Commissioner.

As in the case of a grievance, the review committee may make recommendations to the Commissioner before the latter makes a decision.

In a case of discharge or demotion, the decision is made by a discharge and demotion board, also consisting of three RCMP officers.

As in the case of serious disciplinary action, the member may appeal to the Commissioner.

Honourable senators, these quasi-judicial decisions that often challenge the fundamental rights of RCMP members can have highly negative effects on the quality of life and work of RCMP members who must face this complex process, noted for its lack of independence alone and with few resources.

Honourable senators, I would like to cite three cases to illustrate that this situation cannot go on.

In *Laberge vs. The Appropriate Officer of the Royal Canadian Mounted Police*, in 2000, and *Lefebvre vs. The Appropriate Officer of the Royal Canadian Mounted Police*, again in 2000, two internal boards of adjudication rejected outright the procedures prescribed for two members of the RCMP. They had been suspended and then dismissed following disciplinary procedures that lasted nearly five years.

The two other cases I want to cite involve harassment or sexual misconduct within the RCMP. Once again, unfortunately the victims are women.

On August 29, 2003, the *Journal de Montréal* published an important news item to the effect that disciplinary procedures under the Royal Canadian Mounted Police Act would be ineffective in resolving the sexual harassment problems within the RCMP.

The situation is such that in a letter obtained by the newspaper, RCMP Commissioner Giuliano Zaccardelli said:

Cases of harassment, including sexual misconduct, have been brought to my attention, but reports I have received on how some of these situations were handled are even more disturbing.

This is from a letter from the RCMP Commissioner. That said, the first case I would like to present to you is that of Ms. Terry Lebrasseur. In June 2003, this RCMP officer, who was part of the team protecting the Prime Minister and his wife, filed a complaint against the RCMP with the Federal Court for failure to comply with disciplinary procedures provided by law.

Ms. Lebrasseur had joined the RCMP in 1993. From 1998 to 2001, she says her performance reviews were always excellent.

In May, 2001, an inspector advised her to leave the prime minister's protective team or she would receive a reprimand. And what was the reason? She had simply annoyed a colleague while doing her job.

Ms. Lebrasseur refused — and rightly so, I might add — and later she was removed from the team. Despite her request for a review of the disciplinary measure ordered by the inspector, the RCMP refused to take the matter to a board of arbitration as provided in the law.

In her suit against the Attorney General, Ms. Lebrasseur alleged that her demotion was due to the fact that between 1998 and 2000 she had tried to inform her employer about the sexual harassment she had been subjected to by an RCMP superintendent.

She stated that the police force authorities knew about the situation but did nothing to correct it.

Ms. Lebrasseur therefore is suing her employer for damages because of the economic, psychological and medical problems she claims were caused by the disciplinary measures to which she was subjected.

The *Lebrasseur* case is not unique. Last September, four RCMP officers in Calgary took legal action against their employer before the Alberta Court of Queen's Bench.

In what is called the *Doe* case, four female officers had been sexually harassed by the same sergeant, and after many delays, disciplinary measures were taken against him.

Honourable senators, I would not wish to judge the merits of this case. The courts will decide. I simply want to ask this question: is it usual that in a police force, in 2004, the commissioner has the final say on everything, while we require transparency, rapidity, and independence of all those who decide on rights, why not require the same of the police force we are so proud of?

In a second example, another case going on in Alberta involves three RCMP officers. The female complainants allege that a number of RCMP officers wanted to cover up the matter by using disciplinary retaliation against them in order to preserve the image of the national police force.

Other officers, tried to interfere in the disciplinary procedures, apparently, by failing to comply with legislation on the handling of disciplinary inquiries or cases taken to a board of arbitration.

Finally, the staff relations representatives — and this is the most shameful — refused to get involved. They are paid by their employer and they try to look like union representatives. These representatives refused to support certain complainants during the various stages of the disciplinary procedures — that is the end. It goes without saying that the four officers went to court. And who will pay the legal fees? They will.

As in *Lebrasseur*, they are suing — and rightly, I hope — the RCMP for damages.

Honourable senators, these three cases, particularly those relating to harassment or sexual misconduct, prove the inefficiency of the act because members have to resort to the courts to have their fundamental rights respected.

Bill S-12 will put an end to that.

Without in any way interfering with disciplinary measures or discharge procedures, and while protecting public safety, Bill S-12 does away with the adjudication committee and the discharge and demotion board and the process of appealing to the Commission of the RCMP.

From now on, the sanctions will be determined by the employer and will follow an internal review process.

However, for reasons of efficiency, impartiality and independence, this decision could be subject to the new external and independent grievance arbitration process.

Finally, in the interests of transparency for the members of the RCMP and the general public, Bill S-12 provides that the Public Service Staff Relations Board would be required to present an annual report to Parliament on the administration of the various provisions of this bill, as it currently does with respect to administration of the Public Service Staff Relations Act.

• (1720)

Before I conclude, honourable senators, I want to respond to various statements made by members of the National Executive Committee of the Staff Relations Representatives Program who said they were not consulted before I presented my bill.

According to Joe Mitchell and Tim Kennedy, two members of this important committee, whose comments were reported in the previously mentioned edition of *Pony Express*, the RCMP's official magazine, the modest reforms recently undertaken by the RCMP to improve the process for settling grievances and dealing with disciplinary action would be sufficient to improve labour relations and the quality of life of members.

However, many of those I consulted over the past few months and who testified during committee consideration of Bill S-12 stated that these changes will do little to restore the confidence of the majority of RCMP members in the current staff relations regime, which is not perceived as effective, equitable, impartial or, worst of all, independent.

In other words, honourable senators, these amendments, as laudable as they may be, will not resolve the fundamental problems undermining RCMP morale.

In conclusion, honourable senators, Parliament must act quickly in this case. Our work has always been non-partisan and expeditious when it comes to improving the legislative tools the RCMP needs in order to effectively fight crime in our communities, organized crime and terrorism. In that sense, I strongly believe that the same spirit must guide our work during all stages of consideration of Bill S-12.

This legislative initiative will foster harmonious staff relations built on trust, dialogue and mutual respect. This is just as important as increasing the RCMP budget or amending the Criminal Code to enable this police force to effectively fulfill its mandate.

Ultimately, Bill S-12 will benefit not only the RCMP but also and above all, Canadians who deserve a first-class federal police force.

On motion of Senator Rompkey, debate adjourned.

[English]

CRIMINAL CODE

BILL TO AMEND—SECOND READING— ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator

Kinsella, for the second reading of Bill C-250, to amend the Criminal Code (hate propaganda).—(*Honourable Senator Sparrow*).

The Hon. the Speaker: Are honourable senators ready for the question?

Some Hon. Senators: Question!

Hon. Anne C. Cools: No.

The Hon. the Speaker: Senator Cools, do you wish to speak?

Senator Cools: Honourable senators, Bill C-250 currently stands in the name of Senator Sparrow, and he wishes to speak to the bill. I appeal to honourable senators to allow Senator Sparrow to speak. He is not here at the moment, but I am sure he will be able to speak to the bill in the near future. I appeal to the chamber to allow the dean of the Senate to speak or to let the matter stand.

The Hon. the Speaker: Is the matter to stand, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Order stands.

Order stands.

2002 BERLIN RESOLUTION OF ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY

REPORT OF HUMAN RIGHTS COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Human Rights (clarification of its mandate), presented in the Senate on February 17, 2004.—(*Honourable Senator Maheu*).

Hon. Shirley Maheu: Honourable senators, our committee has asked that I request a further clarification of the mandate that was given to us on February 17.

The motion before us refers in most paragraphs to the Jewish community and to anti-Semitism. Some members of the committee feel that the Jewish community is not the only Semitic group. They have asked whether, under the circumstances, we should look at all groups. I am looking for some guidance from the Senate on this issue.

Hon. Marcel Prud'homme: Honourable senators, I was of the opinion that I would remain silent for the month of February. However, first, I think we should wait for Senator Grafstein, since he is one of the sponsors of this measure. I would never say someone is absent, as it is against the rules and discourteous. I think we should at least consult with him.

Second, when the motion passed on what was for me a big day, I was absent, as was Senator Nolin. Being in attendance at my celebration, I could not adjourn the debate under his name; and he being busy with his bill, he could not adjourn it for himself. Thus, the motion to refer the resolution to committee was passed. I have no objection because I want to study the resolution. I want to appear as a witness because I made a speech on this issue and feel profoundly about it.

In all fairness, Senator Maheu has done her duty to refer back to the Senate the wishes of the committee. In all courtesy, we should have some dialogue with Senator Grafstein, the main sponsor of this measure. This is an old story that goes back two years. He made commitments around the world that this would be done, even before consulting with the Senate. He is now happy that the resolution has been referred to the Senate, but there is doubt in the Senate committee. Therefore, I kindly ask that Senator Maheu adjourn her motion and request more information from the sponsor of this old resolution of the OSCE that dates back almost two years.

The Hon. the Speaker: Senator Maheu, do you wish to comment?

Senator Maheu: No. I would ask honourable senators to review Senator Kinsella's comments when the resolution was referred to the Human Rights Committee. At that time, he mentioned the International Covenant on Civil and Political Rights and that Canada was found to be in violation of article 27, which sets out that states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practice their own religion or to use their own language. I think this applies to more than one group. Several committee members have asked that we find out whether the Senate would like the committee to hear witnesses from all groups concerned.

I ask that the matter be put on hold until Senator Grafstein returns.

Hon. Joan Fraser: Honourable senators, since what I have to say will not take long, I will get it over with now. I did participate in that debate, as Senator Maheu may recall. It was my understanding that the committee was being asked to consider the text of a resolution passed by a parliamentary association. We cannot change that. The text is before us.

It is true that the debate here did range beyond the pure confines of anti-Semitism. It seemed to me at the time when I expressed my support for the motion that the primary focus of the committee's work would be anti-Semitism because that is what the text is all about.

However, Senator Maheu does chair the Standing Senate Committee on Human Rights. If it is the view of members of that committee that in order to give proper consideration to that document the committee should also look at comparable circumstances, I would not feel that the committee is betraying the mandate it has been given, as long as it does in fact consider the document and comes back to tell us what it thinks about the resolution.

• (1730)

Senator Maheu: I wanted to reconfirm with the senator that she is telling us to look at all groups. Even the resolution does not always refer to one particular group in the "whereas" sections nor in the body of the resolution.

Hon. Pierre Claude Nolin: I was not privy to the discussion that you had on that mandate, but will you be allowed to go beyond the whereas of the resolution? If yes, will you be allowed, or maybe you want to have access to other discussion around that debate on that resolution?

Senator Maheu: That is why we are asking the Senate for clarification. Should we go beyond one group or should we follow all of the paragraphs in the resolution, which touches more than one group, possibly.

Senator Nolin: That is exactly my point. It may be incomplete, because the line up of "whereas" covers many issues, but the conclusions are narrow to one group. Maybe it should expand to other groups. That is the problem. That is the way I see the problem.

On motion of Senator Rompkey, debate adjourned.

STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

MOTION REQUESTING GOVERNMENT RESPONSE—SPEAKER'S RULING

ABORIGINAL PEOPLES

MOTION TO ADOPT SIXTH REPORT OF COMMITTEE OF SECOND SESSION AND REQUEST GOVERNMENT RESPONSE—SPEAKER'S RULING

On Order No. 2:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Fraser:

That, pursuant to Rule 131(2), the Senate ask the Government to table a detailed and comprehensive response to the Fourth Report of the Standing Senate Committee on Official Languages, tabled in the Senate on October 1, 2003, during the Second Session of the Thirty-seventh Parliament, and adopted on October 28, 2003. —(*Speaker's Ruling*); and

On Order No. 24:

Resuming debate on the motion of the Honourable Senator Sibbeston, seconded by the Honourable Senator Adams:

That the sixth report of the Standing Senate Committee on Aboriginal Peoples, tabled in the Senate on October 30, 2003, during the Second Session of the Thirty-seventh

Parliament, be adopted and that, pursuant to Rule 131(2), the Senate request a complete and detailed response from the Government, with the Ministers of Indian Affairs and Northern Development, Justice, Human Resources and Skills Development, Social Development, Canadian Heritage, Public Safety and Emergency Preparedness, Health, and Industry; and the Federal Interlocutor for Metis and Non-status Indians being identified as Ministers responsible for responding to the report.—(*Speaker's Ruling*).

The Hon. the Speaker: Honourable senators, under "Other", Item No. 2 and Item No. 24 are subject to a Speaker's Ruling, which I am prepared to give today and I will rule on the two together. In terms of the Order Paper, I will also give a ruling on item No. 3, when it comes up.

Honourable senators, two related points of order have been raised objecting to separate motions made with respect to the application of a relatively new rule, namely, rule 131(2) of the *Rules of the Senate*. In the first instance, Senator Gauthier moved that the government provide a response to the report of the Standing Committee on Official Languages, which was tabled and adopted late in the previous session.

In the second instance, a motion stands in the name of Senator Sibbeston that a report from the Standing Senate Committee on Aboriginal Peoples, which was also tabled during the course of the second session of the Thirty-seventh Parliament, but was not adopted at the time, be adopted now and that a response from the government be requested. Senator Corbin objects to these two motions on procedural grounds.

[*Translation*]

Senator Corbin has argued that, in both cases, it is not our practice to take into consideration committee reports from a previous session. In the case of Senator Gauthier's motion, Senator Corbin has also argued that the rules require the motion for a response be made immediately following the report's adoption.

In the case of the motion in the name of Senator Sibbeston, Senator Corbin pointed out that, in his words "We are faced here with...an even greater sin," since the report had not even been adopted in the previous session. Senator Corbin received support on this latter point from Senator Kinsella, who also provided input on other aspects.

[*English*]

I am indebted to Senator Gauthier, Senator Milne and Senator Robichaud, who also intervened on these points of order. Always, I appreciate the participation and assistance of all honourable senators in sorting out these matters.

The impact of prorogation on the Order Paper is well known. The sixth edition of Beauchesne, citation 235(1), page 66, says:

The effect of prorogation is at once to suspend all business until Parliament shall be summoned again. Not only are the sittings of Parliament at an end, but all proceedings pending at the time are quashed. Every bill must therefore be renewed, as if it were introduced for the first time.

It is important to make a distinction here as to what is quashed. The citation clearly specifies "proceedings." Proceedings on bills, reports and motions may no longer continue; all proceedings are at an end.

The citation continues:

In recent years, it has become common, by consent, to reinstate certain bills on the Order Paper of a new session at the same stage that they had reached before prorogation.

In fact, since the sixth edition of Beauchesne was published in 1989, it has become a routine practice of the House of Commons for Government Business and Private Members' Business to be reinstated. It is now a well-established precedent in Canadian practice to bring forward matters from a previous session.

[Translation]

Returning to Beauchesne's again, citation 890, at page 244, provides clearly that reports from previous sessions, may, if the house agrees to such a motion, be considered by the chamber in a subsequent session. Both committee reports referred to in the contested motions were properly before the Senate prior to prorogation. Clearly, then, prorogation does not represent an insurmountable obstacle to the Senate's considering in a new session any item that remained on the Order Paper from a previous session.

[English]

This is the first time a point of order has been raised with respect to this new rule and it differs in substantial ways from the relevant Standing Order in the House of Commons. Rule 131(2) is silent on the effect of prorogation, if any, on a request for a government response. In the other place, according to the procedural authority *House of Commons Procedure and Practice*, by Marleau and Monpetit, such requests are treated in the same manner as orders for the production of papers, which, by their Standing Orders, survive prorogations and may even be reinstated following dissolutions.

Therefore, the 150 calendar days continue to be counted as though no prorogation had occurred. As another example, the practice in the other place is to refer such questions for government responses by motion adopted in committee, not by motion in their chamber, as is the case in our rules.

Rule 131(2) provides for the possibility that a motion seeking a government response may be moved "...subsequent to the adoption of a report." No time frame is specified to define "subsequent", so I cannot agree with Senator Corbin's interpretation that the motion must be moved, as he said,

"...immediately after the report is adopted." In fact, in the scenario he addresses, where there is no recommendation in the report to be adopted asking for a government response and where the motion for adoption of the report does not include a request for a government response, two days notice would be required to move a substantive motion for the referral of a request for a government response.

A suggestion was made that committees should be asked to retable a report in a new session, to ensure that it is properly before the Senate. This would require new orders of reference, the referral of evidence from the last session, and the re-adoption of reports by committees before tabling them again in the Senate. However, I do not believe this is necessary. The Senate, as evidenced by the motions it has been passing in the past few days, routinely refers unfinished committee matters from previous sessions back to them so they can continue their work. By the same logic, the Senate has the discretion to refer outstanding matters from previous sessions for its own consideration.

• (1740)

[Translation]

What we are faced with are two motions asking the Senate to consider a separate proposal — in one case, whether or not to ask for a response to a committee report adopted in a previous session and, in the second case, to adopt a committee report from a previous session, and at the same time, to request a government response to it. To my mind, the principle behind this is sound; two of our colleagues are making specific proposals for the Senate's consideration.

[English]

So long as the motion is clear and unambiguous, I see no procedural impediment depriving senators of the opportunity to debate and decide such motions on their respective merits. It is my decision, therefore, that debate on these two separate motions may proceed.

Order stands.

[Translation]

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

MOTION TO AUTHORIZE COMMITTEE TO STUDY CERTIFICATION OF PETITIONS TABLED IN THE SENATE—MOTION IN AMENDMENT SPEAKER'S RULING

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Fraser:

That the Standing Committee on Rules, Procedures and the Rights of Parliament be authorized to examine, for the purposes of reporting by March 1, 2004, all Senate procedure related to the tabling of petitions in this

Chamber in Parliament assembled, that a procedural clerk, having examined the form and content, certify the petitions in accordance with established standards and that follow-up be provided for in the Rules of the Senate.

And on the motion in amendment of the Honourable Senator Corbin, seconded by the Honourable Senator Maheu, that the motion be amended by deleting all the words after the word "That" and substituting the following therefor:

"the history of the practice in both the Senate and the House of Commons relating to petitions other than petitions for private bills, as well as the customs, conventions and practices of the two Houses at Westminster, be tabled in the Senate and distributed to the honourable senators before being referred to the Standing Committee on Rules, Procedures and the Rights of Parliament."—(*Speaker's Ruling*).

The Hon. the Speaker: Honourable Senators, on Monday, February 16, Senator Gauthier raised a point of order to object to the amendment that Senator Corbin had proposed to a motion that Senator Gauthier had moved several days earlier. Senator Gauthier's motion seeks to authorize the Committee on Rules, Procedures and the Rights of Parliament to report on Senate practices with respect to the consideration of petitions. The amendment of Senator Corbin substituted the original proposition with another requiring that information about the history of the practice of petitions in the Senate and the House of Commons and at Westminster be tabled in the Senate before being referred to the Rules Committee.

[*English*]

According to Senator Gauthier this amendment, if adopted, would supersede his original proposition altogether. He based his analysis on several parliamentary authorities including Beauchesne, which he cited specifically. He claimed that such an amendment was procedurally irregular, unacceptable and out of order. Whatever the merits of Senator Corbin's proposition, Senator Gauthier maintained that it should be introduced as a separate motion, after notice, not as an amendment.

By way of reply, Senator Corbin indicated that the sole purpose of his amendment was to ensure that any changes made to current practice and to the Rules of the Senate be based on an understanding of their historical origins, application and development. As he explained it, "People rarely take the time to carry out a historical overview in order to try to understand why the rules are worded in such a way, and why they are sometimes so strictly applied." As to being a dilatory motion, Senator Corbin denied any motive or intent to thwart the objectives of Senator Gauthier's motion.

[*Translation*]

Following these comments, I indicated that I would consider the point of order and return to the Senate with a decision as soon as I could. Having reviewed the Debates and both the motion and the proposed amendment, I am now prepared to give my ruling.

[*English*]

Standard parliamentary authorities, such as Marleau and Montpetit at page 454, state that a superseding motion is "proposed with the intention of putting aside further discussion of whatever question is before the House." Superseding motions are divided into two classes: One is the Previous Question; the other is a dilatory motion. Dilatory motions include motions to adjourn the house, to adjourn debate or to proceed to another order of business. The amendment of Senator Corbin is none of these.

Instead, Senator Corbin's amendment addresses the substance of Senator Gauthier's motion and proposes to alter it significantly. If adopted, Senator Corbin's amendment would displace entirely the proposition of Senator Gauthier. By practice, amendments can be quite broad and encompassing in their effect. Beauchesne's citation 567 at page 175 explains that:

The object of an amendment may be either to modify a question in such a way as to increase its acceptability or to present to the House a different proposition as an alternative to the original question.

To accomplish this, motions may be amended by leaving out certain words, leaving out certain words in order to insert other words, or inserting or adding other words. Amendments may even substitute a proposition with an opposite conclusion.

This being said, I think it is useful to point out that the amendment of Senator Corbin may not be drafted to achieve what he wanted. I say this because, in reading the text carefully, I note that there is no appropriate responsibility identified for preparing the history of the petitions, nor is there a date for the production of this history. Equally significant, while the amendment insists that this history be prepared and distributed to members of the Senate before going to the Rules Committee, it does not actually refer the matter to that committee. The lack of clarity in this amendment makes it somewhat problematic in its intent.

It may be that further refinement of his amendment would assist us all in understanding exactly what should happen and when. I will remind senators of our rule 30 which allows that a motion may be modified with leave of the Senate.

In conclusion, I can find no reason for this amendment to be ruled out of order on procedural grounds. It is my ruling that debate may continue on the amendment.

Hon. Eymard G. Corbin: Your honour, I rose on a point of order. I have spoken to this item, but you seem to invite me to elaborate. Therefore, I will give myself a moment to think about it and propose the adjournment of the debate.

The Hon. the Speaker: I think we can stand the item honourable senators.

Hon. Senators: Agreed.

Order stands.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

MOTION TO AUTHORIZE COMMITTEE TO STUDY PRIVATE MEMBERS' BUSINESS—DEBATE ADJOURNED

Hon. Sharon Carstairs, pursuant to notice of February 12, 2004, moved:

That the Standing Committee on Rules, Procedures and the Rights of Parliament study the manner in which Private Members Business, including Bills and Motions, are dealt with in this Chamber and that the Committee report back no later than November 30, 2004.

She said: Honourable senators, in my view, it is time to study the manner in which private members business, motions and bills are treated in this house.

I have two principal concerns about which I would like the committee to engage in a study. The first is with respect to the way in which the House of Commons, in effect, brings back legislation, but we have no similar procedure. In my view, this is punitive to members of our chamber who have put time and effort into their bills.

• (1750)

Why, for example, should bills like Bill C-250, 212, 249, 260 and 300, all of which have merit, be automatically revived, but Senate bills like Bill S-2, 4, 7, 3 and 12 are not? Are our bills of less merit? Are they less worthy? I think not; indeed, to the contrary. It is my experience that our bills are fully as substantive and as of value as those of the other place.

The second concern I have has to do with the means by which our bills draw the attention of members of this chamber. Let me begin with perhaps what we could view as a worst-case scenario. An honourable senator moves and speaks to a private member's bill. Another senator takes the adjournment. The bill then is stood 14 days in a row. In the normal schedule of chamber sittings, that is five weeks. We have five weeks with no debate. On the fifteenth day, the senator who took the original adjournment rises in his or her place, makes a few comments, indicates that he or she really wants to continue the discussion at a future date and so again adjourns the debate. That means we then could have another 14 days without any discussion, and so forth and so on.

Private member's business is not government business, honourable senators, so there is no potential for closure, which I think is a good idea. However, this practice also puts our leadership, the deputy leaders on both sides of this place, in an almost untenable situation. The senator who has not used their time to debate is not in the chamber, so either Senator Kinsella or Senator Rompkey, depending on whose senator he or she might be, feels the necessity to stand the item. It is not really their responsibility, but the senator is not in the chamber. The deputy

leaders must accept that responsibility because there is no one else to accept the responsibility for them.

Honourable senators, there must be a better way. If we look at the effort that senators often put in to prepare a private member's bill or a motion, I think we would, with common justice, recognize that it deserves to have some attention paid to it.

In the other place, for example, a bill is debated for up to an hour and falls to the bottom of the Order Paper if not brought to a vote. It reappears for another hour of debate and/or vote. If it comes to the Order Paper a third time, the vote must be taken. A similar process occurs in the Manitoba legislature, the provincial assembly with which I am most familiar.

Honourable senators, I may not like a bill introduced by a colleague, and I have the right to state my reasons or objections on the record. However, my colleague has the right to expect that his or her work has been taken seriously, and in my view that ultimately requires a vote. Not only is this courteous, but I suggest it is the democratic thing to do.

I have no specific bias to any particular system used in other chambers or indeed in the other place. I think simply that the Rules Committee should study what is being done in the House of Commons, other provincial legislatures and other Parliaments throughout the world.

Honourable senators, it is time to find a better way. Our system, in my view, is simply not working.

On motion of Senator Poy, debate adjourned.

[Translation]

OFFICIAL LANGUAGES

COMMITTEE AUTHORIZED TO CONTINUE STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

Hon. Maria Chaput, pursuant to notice of February 17, 2004, moved:

That the Senate Standing Committee on Official Languages be authorized to study and report from time to time upon the operation of the Official Languages Act, and of regulations and directives made thereunder, within those institutions subject to the Act, as well as upon the reports of the Commissioner of Official Languages, the President of the Treasury Board and the Minister of Canadian Heritage;

That the Committee table its final report no later than June 30, 2004; and

That the papers and evidence received and taken on the subject and the work accomplished during the Second Session of the Thirty-seventh Parliament be referred to the committee.

Motion agreed to.

[English]

HUMAN RIGHTS

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Shirley Maheu, pursuant to notice of February 17, 2004, moved:

That the Standing Senate Committee on Human Rights have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject matters of bills and estimates as are referred to it.

Motion agreed to.

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Shirley Maheu, pursuant to notice of February 17, 2004, moved:

That the Standing Senate Committee on Human Rights be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

COMMITTEE AUTHORIZED TO CONTINUE STUDY ON LEGAL ISSUES AFFECTING ON-RESERVE MATRIMONIAL REAL PROPERTY ON BREAKDOWN OF MARRIAGE OR COMMON LAW RELATIONSHIP

Hon. Shirley Maheu, pursuant to notice of February 17, 2004, moved:

That the Standing Senate Committee on Human Rights be authorized to examine and report upon key legal issues affecting the subject of on-reserve matrimonial real property

on the breakdown of a marriage or common law relationship and the policy context in which they are situated.

In particular, the Committee shall be authorized to examine:

- The interplay between provincial and federal laws in addressing the division of matrimonial property (both personal and real) on-reserve and, in particular, enforcement of court decisions;
- The practice of land allotment on-reserve, in particular with respect to custom land allotment;
- In a case of marriage or common-law relationships, the status of spouses and how real property is divided on the breakdown of the relationship; and
- possible solutions that would balance individual and community interests.

That the papers and evidence received and taken on the subject and the work accomplished by the Standing Senate Committee on Human Rights during the Second Session of the Thirty-seventh Parliament be referred to the Committee; and

That the Committee submit its final report no later than June 25, 2004, and that the Committee retain all powers necessary to publicize the findings of the Committee contained in the final report until July 30, 2004.

Motion agreed to.

The Senate adjourned until tomorrow at 9 a.m.

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Friday, February 20, 2004

—

THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Friday, February 20, 2004

The Senate met at 9 a.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

SCOUT-GUIDE WEEK

Hon. Joan Cook: Honourable senators, this week, February 16 to 23, is Scout-Guide Week in Canada. It will culminate on February 22 with Thinking Day. This is a special day for an organization of which I am quite proud to be an honorary member — the Girl Guides of Canada. On that day, members of guiding and scouting will remember their sisters and brothers throughout the world and will celebrate international friendship. It is a time for global education, special ceremonies, parties and activities that foster an appreciation of the uniqueness and similarities of people everywhere.

It is a day to celebrate the joint birthdays of the founders of the movement, Lord and Lady Baden-Powell. Girl Guides was formally founded in 1910 in the United Kingdom and spread rapidly throughout the world. The movement continues to thrive and make an immeasurable contribution to our society. Today in Canada, we have 169,000 members and 10,000 units involved in exciting and challenging programs. Worldwide, there are nearly 10 million girls and women involved within 140 member organizations.

Honourable senators, I believe that guiding provides wonderful opportunities and growth experiences for girls. I believe these experiences help young girls gain self-confidence, become independent decision-makers and understand their responsibilities as citizens of their communities.

In Canada, girl guiding remembers its global obligations through donations to the Canadian World Friendship Fund. The money raised will help the world association achieve its mission to further guiding and will help make a difference to girls and young women worldwide.

Honourable senators, the goal is to change the following facts: 91 million girls worldwide do not go to primary school; 70 per cent of people living with HIV/AIDS are female; 50 million to 60 million children between the ages of five and fourteen years work in dangerous conditions; nine out of ten people killed in today's wars are civilians and most of these are women and children.

Honourable senators, I would like to take a moment to recognize the work and effort of the volunteers of these two great organizations. They are the men and women in our communities who work directly with the Girl Guides and Scouts across Canada

as leaders. They give their time unconditionally to provide rich and meaningful life experiences for our young people. It is a gift. Their work is invaluable, and I offer my congratulations and say "happy birthday" on behalf of the Senate of Canada.

SPECIAL OLYMPICS CANADA WINTER GAMES 2004

Hon. Jim Munson: Honourable senators, this week I had the great honour of attending the opening ceremonies of the 2004 Special Olympics Canada Winter Games in Charlottetown, Prince Edward Island. As a prelude to the Special Olympic World Games that will take place next year in Nagano, Japan, these games are a showcase for some of Canada's greatest athletes. I say "greatest" because these men and women not only compete to win but also to participate because of their love of sport and life.

The games also demonstrate the tireless dedication of hundreds of coaches, managers and organizational staff who volunteer their time to advance the Special Olympics movement. I was deeply touched by everyone involved in the games and I am proud to play a role in spreading their message. I know that all honourable senators will support this exceptional organization and the brave athletes as they strive to attain their goals.

THE SENATE

RULES OF THE SENATE, FEBRUARY 2004

Hon. Lorna Milne: Honourable senators, on Wednesday I tabled a copy of the revised *Rules of the Senate* on behalf of your Rules Committee. I want to take a few moments to explain to honourable senators a couple of things about this particular version of the rules that, according to the *Rules of the Senate*, I could not do when I tabled the report. I noticed yesterday that Senator Kinsella was already using the new index of the rules, which has been greatly expanded and, to a certain extent, cross-referenced. I am hopeful that it will be much more user-friendly than the previous version.

I would like honourable senators to provide some feedback on the new index, which was prepared for the Rules Committee by the Library of Parliament, because it is a work in progress. If any honourable senator has problems using it, please advise a member of the committee or the Deputy Clerk of the Rules Committee, Mr. Gary O'Brien. I look forward to some positive feedback over the next year before we re-publish the *Rules of the Senate*.

I have found it frustrating over the past year or two when searching through the index for an item, only to eventually find it about five minutes after the occasion to use the rule had passed. I am hopeful that this new index will help all honourable senators.

ROUTINE PROCEEDINGS

BUSINESS OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I ask leave to revert to Government Notices of Motions later this day, following completion of the Orders of the Day, Inquiries and Motions, for the purpose of dealing with the adjournment motion.

The Hon. the Speaker: Is leave granted, honourable senators?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: No?

Senator Kinsella: No.

The Hon. the Speaker: Leave is not granted.

• (0910)

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Your Honour, I would ask that motion No. 6 be called first.

ELECTORAL BOUNDARIES READJUSTMENT ACT

ALLOCATION OF TIME FOR DEBATE— MOTION ADOPTED

Hon. Bill Rompkey (Deputy Leader of the Government), pursuant to notice of February 19, 2004, moved:

That, pursuant to Rule 39, not more than a further six hours of debate be allocated for the consideration of the second reading stage of Bill C-5, respecting the effective date of the representation order of 2003;

That when debate comes to an end or when the time provided for the debate has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the second reading stage of the said Bill; and

That any recorded vote or votes on the said question be taken in accordance with Rule 39(4).

He said: Honourable senators, last week we received Bill C-5, respecting the effective date of the Representation Order of 2003. Today is the sixth day of debate at second reading. However, this is not the first time we have debated this bill in this chamber. As you know, this bill, under its former number

Bill C-49, was debated in the previous session. It first came to us from the other place in October of last year. At that time, the bill was before us for three weeks, during which time we conducted a substantive debate. Senator Smith and the Leader of the Opposition, Senator Lynch-Staunton, spoke to the bill, as did many other senators on both sides of the chamber. Others among us participated in the proceedings at that time during question and answer sessions.

The bill has, once again, come from the other place and has, once again, progressed through introduction and first reading. We, once again, have it before us at second reading.

As discussed yesterday by members on this side and those opposite, the upcoming committee stage is very important because it will provide for the appearance of witnesses and officials to speak to the character of the bill.

On Wednesday, Senator Lynch-Staunton said:

Honourable senators, Bill C-5, essential as it is to the government's election strategy, must still be given the most careful study in committee. Any attempt to rush it through at that stage will only confirm the apprehensions just listed and many more.

To this effect, and pursuant to my notice of yesterday, I would like to send Bill C-5 into committee so that the kind of examination my honourable colleague opposite says is so important can indeed take place.

Honourable senators, we certainly feel this bill has been given ample consideration. It was considered for three weeks during the last session and we will have up to six more hours of debate this time around before proceeding to committee, for which the Leader of the Opposition expressed support yesterday.

I must say that I would find any disagreement expressed by members opposite to this time allocation motion surprising. It was only last week that Senator Kinsella moved the previous question on his Bill S-7 at the conclusion of his second reading speech, before any other senators were given the opportunity to speak at all. In view of his attempts to expedite committee study of his bill, I would have thought that the expedition of our study would be supported.

Certainly, having moved immediate adoption of second reading on his own bill through the previous question technique, he cannot object to time allocation on a government bill that has already received three weeks of consideration by this chamber during the last session.

Honourable senators, I look forward to the adoption of my motion by the Senate so that we can begin the important work our committee needs to do in a timely fashion. Consequently, I urge all honourable senators present to support my motion so that we can move ahead with a new representation act that will benefit all communities.

Some Hon. Senators: Hear, hear!

Senator Robichaud: Question!

The Hon. the Speaker: If debate is concluded, honourable senators, I will ask: Senators, are you ready for the question?

Some Hon. Senators: Question!

The Hon. the Speaker: Seeing no senator rising, I will put the question:

That, pursuant to Rule 39, not more than a further six hours of debate be allocated for the consideration of the second reading stage of Bill C-5, respecting the effective date of the representation order of 2003;

That when debate comes to an end or when the time provided for the debate has expired, the Speaker shall interrupt, if required, any proceedings then before the Senate and put forthwith and successively every question necessary to dispose of the second reading stage of the said Bill; and

That any recorded vote or votes on the said question be taken in accordance with Rule 39(4).

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No. On division.

The Hon. the Speaker: On division?

Senator Kinsella: No. What was the result of the vote?

The Hon. the Speaker: All those in favour of the motion will please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say "nay".

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the "yeas" have it. The motion passes.

Senator Kinsella: On division.

Motion agreed to, on division.

ELECTORAL BOUNDARIES READJUSTMENT ACT

BILL TO AMEND—SECOND READING— VOTE DEFERRED

On the Order:

Resuming debate on the motion of the Honourable Senator Smith, P.C., seconded by the Honourable Senator Robichaud, P.C., for the second reading of Bill C-5, respecting the effective date of the representation order of 2003.

An Hon. Senator: Question!

The Hon. the Speaker: Are honourable senators ready for the question?

Some Hon. Senators: Yes.

The Hon. the Speaker: I will put the question.

It was moved by the Honourable Senator Smith, seconded by the Honourable Senator Robichaud, that this bill be read a second time.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: All those in favour of the motion please say "yea".

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say "nay".

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the "yeas" have it.

An Hon. Senator: On division.

The Hon. the Speaker: The motion passes, on division.

When shall this bill be read a third time?

Hon. Bill Rompkey (Deputy Leader of the Government): I move that the bill be referred to the committee on —

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): I move —

The Hon. the Speaker: I am sorry; I hear an intervention.

Senator Kinsella: We are asking for a recorded vote.

The Hon. the Speaker: A recorded vote on?

An Hon. Senator: It is too late.

Senator Austin: You already said "on division."

The Hon. the Speaker: Are two senators rising to ask for a division?

Senator Kinsella: We are asking for a recorded vote.

An Hon. Senator: It is too late!

• (0920)

POINTS OF ORDER

Hon. Sharon Carstairs: On a point of order, Your Honour, it was very clear that the honourable senator opposite said, "on division." That means the vote has been completed. It is too late at that point to ask for a recorded vote.

Some Hon. Senators: Hear, hear!

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the Speaker put the question once, twice. The "noes" said, "no"; we asked to have a division — to have a recorded vote.

Some Hon. Senators: No!

Senator Austin: "On division" does not require a recorded vote.

Senator Kinsella: We wish to record our vote. That is pretty straightforward.

Senator Smith: Everyone has 20-20 hindsight.

Hon. Marcel Prud'homme: It is early in the morning; usually, I like to work at seven o'clock in the morning. I think your decision is final, Your Honour. It was clear, from this end, where we do not always hear well, that you put the question. The "yeas" were called; the "nays" were called. The "yeas" were resoundingly louder; the "nays" were more discreet. You then said that the question was therefore disposed of. I then heard very clearly — I am one of those who said — "on division," loud enough, and nobody argued. That does not mean I would have voted one way or the other. However, I think the question is disposed of.

It would be less embarrassing if we do not take a recorded vote. I see that many preferred to take a discreet exit today, so we will not embarrass those colleagues who are not present by having a standing vote.

Even if it were embarrassing, in my view, from very far, His Honour clearly put the question, as is his duty, as a good servant, and it is very clear in my mind that the matter was dealt with.

The Hon. the Speaker: The question has come to me, not from a senator standing, about what we are doing. In other words, is Senator Prud'homme in order in speaking? We are dealing, honourable senators, with a point of order that arises out of a request from Senator Kinsella that we call a division, which is the only way to indicate a recorded vote. Senator Carstairs rose on a point of order saying that the procedure was not in order because the proceeding was completed.

I will hear honourable senators now. In accordance with our tradition, I will hear senators until I feel I have sufficient information to make a ruling. Senator Prud'homme was intervened on the point of order.

Hon. Bill Rompkey (Deputy Leader of the Government): Not only is Senator Prud'homme at a distance from you, Your Honour, but he is also one of our most experienced parliamentarians.

Senator Smith: Forty years.

Some Hon. Senators: Forty years.

Senator Rompkey: Forty years in Parliament, in the other place and here.

Senator Prud'homme: Do not make me change my mind now.

Senator Rompkey: If Senator Prud'homme does not know how things work, after 40 years, what can the rest of us expect?

I support what Senator Carstairs said. I heard the words "on division" very clearly. Our practice is either that we accept the voice vote on division or have a standing vote — one or the other, but not both. The voice vote was accepted, then that is the conclusion of the vote. A recorded vote should have been requested before the division was called and the voice vote canvassed.

Hon. Terry Stratton: Your Honour, in the past, in asking the "yeas" and "nays," you have quite often, to get the attention of the chamber, asked more than once, more than twice, sometimes three times, to get the attention of the chamber. Your Honour knows that, and that is how you operate in the normal course of events.

In this case, we asked for a division and a recorded vote, in the same manner that Your Honour has asked for "yeas" and "nays." We have, I think, on occasion, argued with the way Your Honour has proceeded, but you have insisted on the flexibility in order to get people's attention. Therefore, I think it behooves Your Honour, at this time, to do the same thing.

Hon. Gerald J. Comeau: Honourable senators, like Senator Prud'homme, I am a bit of a distance from the Speaker. I also heard the words "on division," but the words "on division" that I heard were from Senator Prud'homme and not —

Some Hon. Senators: Oh, come on!

Senator Comeau: — from the two senators who rose in their places. Otherwise, the only noise one could hear at this end was the pounding of desks in glee that the government had made louder noises on the "yes" vote. I think it is incumbent upon the Speaker to recognize the two individuals who did get up to request a recorded division.

[Translation]

Hon. Pierrette Ringuette: If honourable senators took the time to listen to the tape, they would realize we had even got up to the question "When shall the bill be read a third time?"

So we were far beyond the point of division. Honourable senators, if people were a little more alert this morning, we would not have this dilemma.

[English]

The Hon. the Speaker: Honourable senators, another question has been raised, again not by a standing senator. Senators intervening on a point of order may speak more than once. They are not to debate with one another or make observations about how much they should know or should not know, but rather to help the Chair with respect to a legitimate question of order, which may go one way or the other.

To explain why senators are speaking more than once, I thought I should point that out.

Senator Stratton: I have a point of clarification, Your Honour. Senator Comeau stood and said that indeed Senator Prud'homme had said "on division." At the time, I was standing beyond the bar and I did not say "yea" or "nay," but I clearly heard Senator Prud'homme say "on division."

Hon. Jack Austin (Leader of the Government): Honourable senators, the record is absolutely clear. Second reading was given. The Speaker then asked, "When shall this bill be read a third time?" The process is complete. I do not believe there is anything more to be said about the point of order.

The Hon. the Speaker: Senator Carstairs, do you want to make a final comment?

Senator Carstairs: No.

The Hon. the Speaker: Honourable senators, because it is clear that the record is important here, I shall review the record. It may take me five minutes or so to review the rules applicable. As such, I would ask for your patience while I suspend the sitting to review the record.

The sitting of the Senate was suspended.

• (0930)

The sitting of the Senate was resumed.

The Hon. the Speaker: The sitting is resumed.

Order, please!

Senator Rompkey: Honourable senators, I wonder if I could have leave to revert to Government Notices of Motions later this day for the purpose of putting the adjournment motion.

Some Hon. Senators: Agreed.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Leave is granted. We now revert to Government Notices of Motions.

Senator Rompkey: No, Your Honour. I want leave to revert later this day to Government Notices of Motions.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Leave is granted.

I will see Senator Rompkey.

Senator Rompkey: We on this side would agree that, indeed, there were members opposite who indicated that they did want a recorded vote. We would be agreeable to one recorded vote.

The Hon. the Speaker: I am not sure I know what "one" means.

Senator Kinsella: Therefore we are simply at the status quo ante. The question was put. The "yeas" had it. Two senators on this side have risen. It is now in your hands, Your Honour.

Senator Prud'homme: Your Honour —

The Hon. the Speaker: It is not a point of order, Senator Prud'homme. You are an independent, I know, and you like to be heard on these matters. What do you have to say?

Senator Prud'homme: Honourable senators, in the British parliamentary system, precedents are always recorded. The "yeas" were so loud; the "nays" were more discreet. Yes, as Senator Comeau indicated, I said, "On division." That does not mean the matter is finished.

Senator Kinsella may have a point, but he is wrong. The rules are very clear because it happened to me. The "yeas" were louder than the "nays"; and His Honour said, "In my opinion, the 'yeas' have it." Someone yelled, "On division." I did. The rules then say, "And two senators having risen," whereupon the Speaker calls for a vote. However, I did not see any two senators rising. They rose later when Your Honour had move on.

If the government is willing to take a vote, why do we not, in the spirit of a good Friday morning, do what the honourable senator wants? I do not want this to be a precedent because it will be thrown at us again some day when someone will say, "Remember, that is the way we proceeded that Friday."

The Hon. the Speaker: Senator Prud'homme's statement is on the record and speaks for itself.

I will now return to the point we were at on Bill C-5. I will say now, honourable senators: Call in the senators for a vote.

I will see the opposition whip.

Senator Stratton: Rule 39(4)(b) calls for a recorded vote at 5:30 p.m. that day, and that is how we stand.

Senator Carstairs: Honourable senators, the debate that is taking place now is being done on a specific motion of the Senate for time allocation. The vote has to be held now.

Some Hon. Senators: Hear, hear!

Senator Stratton: Rule 39(4)(b) states:

(b) if debate on such an Order of the Day is concluded or the time provided for the debate expires prior to 5:30 o'clock p.m., the Speaker shall forthwith put the question and any standing vote requested in relation thereto shall not be subject to the provisions of rule 67 and shall be deferred until 5:30 o'clock p.m. of the same afternoon.

The Hon. the Speaker: I thought the whips were rising —

Senator Austin: Honourable senators, I would ask that we have the Speaker's ruling on the point of order that was raised. Did this chamber give second reading and was third reading called?

Some Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, we have to be careful.

I think we would require consent to do that, Senator Austin, because I have heard the deputy leaders indicate — and Senator Prud'homme had a reservation, but in the end said "Proceed anyway" — that this matter be subject to a vote. Having put the question, because I had already said "Call in the senators," to now go back would require the agreement of honourable senators, and there would have to be unanimous agreement.

I will ask that question, Senator Austin. Is there unanimous consent —

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: — that we revert to the situation we had before the Speaker gave a ruling on the point of order that was raised by Senator Carstairs? Again, this is getting a little complicated.

• (0940)

Senator Austin: Honourable senators, could I address the situation?

Honourable senators know that, following a request for a ruling from the Speaker as to what took place on the record here, there was an attempt between the two deputy leaders to come to an arrangement to accommodate both sides. My understanding, as conveyed to me, was clearly that a vote would be taken in no longer than 60 minutes and the matter would be disposed of. Now what I hear is a parliamentary trick coming from the whip on the other side. There is clearly now no basis for such an arrangement. Therefore, the whole process is nugatory, and the Speaker should make his ruling.

Senator Kinsella: Honourable senators, the situation we are in is that two senators have risen, a deferred vote has been called, and the Speaker has called in the senators.

Senator Milne: Second reading was proclaimed.

Senator Kinsella: The whip rose and said that it is a deferred vote, and that then invokes rule 39. The honourable senators opposite have just now read rule 39 and realize that it is automatic, and it is mandatory for the Speaker. The Speaker does not have any discretion in this matter. The vote can be deferred, and it must be deferred pursuant to the rule.

Senator Prud'homme: Honourable senators, I want to be very clear on where I am standing. It has happened to me before, once the division has taken place. The Speaker says, "Two senators having risen, call in the senators." This did not take place. That was the end of the debate, then two senators rose, but it was too late. In the spirit of cooperation I would hope that the two major parties would not say 5:30 p.m. and punish everyone. I do not mind. You know me — I am always here; I need company, so thank you for staying that late; we can vote tomorrow if you want. This way I will not be lonely in my office.

However, in the spirit of cooperation, perhaps there might be a halfway point. In these situations, everyone is a loser, so let us find a middle-of-the-road arrangement, and instead of saying 5:30 p.m., to accommodate Senator Stratton, maybe you can say, "I regret that the deputy leader went back on his offer. I was waiting for your ruling and I will abide by your ruling."

I never, ever challenged a Speaker in the House of Commons. Never would I do it here. That is why I rushed back, to listen to the ruling, and I see that people have changed their minds. We had better run our affairs in an orderly fashion, Your Honour. It is not your fault. You were absolutely right. You did not say, "Two senators having risen." That means you did not see any two senators rising, so you continued. Unless I am blind, and I function very well at seven o'clock in the morning or eleven o'clock at night, inside this chamber that is what I saw, and that is why I want to stand at least for the record, if it is not of interest to anyone else.

Senator Rompkey: Honourable senators, I want to underline what Senator Austin has said, and I was part of the discussions. The agreement between the two sides clearly was that even though two people did not rise, we would agree that the other side did indeed want a standing vote and we would agree to a standing vote. The other part of the agreement was that we would sit at eight o'clock on Monday. That was simply a verbal understanding between the two sides. Clearly, the verbal understanding is null and void because the verbal understanding has been abrogated. The agreement that we had has been abrogated by the other side. Therefore, Your Honour, I think we are back to where we were, awaiting your ruling. Clearly, our argument previously, before the understanding was made, was that there was a division called and you ruled on that, and in fact third reading was called.

Hon. Consiglio Di Nino: Honourable senators, I think this is getting a little out of hand. I clearly heard an agreement expressed on both sides, that there be a vote. The Speaker rose and said, "I heard that there is an agreement on both sides" — and I am paraphrasing — "so therefore there is to be a vote; call in the senators." That is where we are right now. The Speaker said, "Call in the senators," and from there on, as is our right under the rules, my leadership, my whip decided that he would ask for the rules to be respected.

What is the discussion about? The agreement was reached; everyone was happy; the Speaker was informed; the house was informed; and the Speaker called for the senators to be called in.

Some Hon. Senators: No, no.

The Hon. the Speaker: Order. Order.

Honourable senators, I will treat the last intervention led by Senator Austin as another point of order. We have an interesting situation and I will need to ask for another opportunity to consider this matter, check the record, and rule on it once and for all.

We have essentially built three issues on top of one another. I will characterize them when I rule. One is, just briefly: Was there an agreement and was there a proceeding in the Senate under way, namely, a division? The second is with respect to what happened prior to Senator Kinsella rising.

In any event, we have some rules that are applicable to this situation that have not been cited by either side. I think I had better take a few minutes and prepare a final disposition of the issues that have built on one another. My ruling will be in your hands when I give it. I will need about 15 minutes, honourable senators. I would like to suspend the sitting for 15 minutes, and perhaps I may have your permission to leave the Chair for that period of time. We will resume the sitting at 10:05 a.m.

Honourable senators, do I have your permission to leave the Chair?

Hon. Senators: Agreed.

The sitting of the Senate was suspended.

• (1000)

The sitting of the Senate was resumed.

The Hon. the Speaker *pro tempore*: Honourable senators, the Speaker has asked me to tell you that he needs another 15 minutes before he is able to come back and rule. The session is suspended for another 15 minutes.

The sitting of the Senate was suspended.

[Translation]

• (1020)

The sitting of the Senate was resumed.

The Hon. the Speaker *pro tempore*: Honourable senators, the Speaker informs me that he will need another ten to fifteen minutes to reach a decision.

The sitting of the Senate was suspended.

[English]

• (1040)

The sitting of the Senate was resumed.

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, the sitting of the Senate is resumed.

Honourable senators, thank you for your patience. I now have all the material that I require to make a ruling on the question before us. It did take a bit of time to obtain the transcripts that I wanted.

It is the point of order of Senator Austin that as there is no mutual understanding with respect to when the standing vote on the second reading of Bill C-5 is to occur, that is, either now or at 5:30 p.m. this afternoon, there is no agreement. Therefore, we will proceed to the Speaker's ruling on the question of whether two senators had indeed risen in time to request a standing vote on Bill C-5.

In making a determination, honourable senators, the Speaker can only refer to the record of what was said by honourable senators while the Senate was in session. I have requested the relevant parts of the record — which I know honourable senators do not have — from the reporters. There were a number of interventions, but I will quote from the relevant portions.

Following my seeing Senator Rompkey and before I gave a ruling on the first matter on which a ruling was requested, the request was made by Senators Rompkey and Kinsella to have the floor for the purpose of determining what would have been the subject matter of the ruling. Senator Rompkey's words were:

Senator Rompkey: We on this side would agree that, indeed, there were members opposite who indicated that they did want a recorded vote. We would be agreeable to one recorded vote.

Another quotation, for your information, honourable senators, is Senator Kinsella's comment, which followed almost immediately:

Senator Kinsella: Therefore we are simply at the status quo ante. The question was put. The "yeas" had it. Two senators on this side have risen. It is now in your hands, Your Honour.

There was an intervention by Senator Prud'homme, which stood on its own. My words were that the record would show what Senator Prud'homme, an independent senator, wanted to say. I then said:

I now return to the point we were at on Bill C-5: I will say now, honourable senators: Call in the senators for a vote.

At that point, Senator Stratton rose, and that is where we started the interventions made by senators to get us to this point of order.

My ruling therefore, honourable senators, is that there was only an agreement, by the record, to have a standing vote. In the absence of any announced agreement as to when the vote is to take place, I must conclude that the vote will take place in accordance with rule 39(4)(b), which states that the vote will take place at 5:30 this afternoon.

I have decided that I am not in a position to inquire into the minds of the Deputy Leader of the Government and Deputy Leader of the Opposition as to consensus or whether they each understood the same. I have to rely on the record. Accordingly, my ruling is, as I have already said, that the vote will take place at 5:30 this afternoon.

Is the Honourable Senator Cools challenging the ruling?

Hon. Anne C. Cools: Honourable senators, I have a slightly different point.

The Hon. the Speaker: Now that we have reached this point in our proceedings, so that we do not have other intervening things that have tended to mix us up in the past, I shall now say "Call in the senators" again.

Call in the senators.

• (1050)

Senator Austin: Let the bells ring?

The Hon. the Speaker: That is the point at which we had arrived: "Call in the senators," and the vote was deferred to 5:30 p.m. We should now turn to Orders of the Day, but before we proceed, Senator Cools has asked for the floor.

POINT OF ORDER

Hon. Anne C. Cools: Before we call the orders, Your Honour, I wanted to raise a point of order. I think the matter can be settled quickly. I noticed that during the period of time that Your Honour was away from the chamber sorting out these difficult and complex matters, at one point the Chair was vacant for a period of about 10 to 15 minutes. I also observed that the mace was on the Table during that time. I just wanted to call this to the attention of the chamber, because my understanding is that once that mace is on the Table, the Chair should never be empty. Perhaps someone else might want to say something on this matter, or perhaps His Honour might simply rule on the strength of it. My understanding, Your Honour, is that the chamber allows you to take a few minutes to sort these questions out, but someone, another senator, must be in that Chair.

The Hon. the Speaker: You are quite right, Senator Cools, but I would draw to the attention of honourable senators that when I left the Chair — and I anticipated originally that it would only be for a short period of time — I did ask for the permission of honourable senators to leave the Chair, and permission was granted. That is the explanation of why the exception to the general rule is the case here.

Hon. John Lynch-Staunton (Leader of the Opposition): If I may, the rule is even clearer. It says that once the Senate is suspended, the Speaker may leave the Chair, but as long as the mace is on the table, it shows that the meeting is properly constituted. It is quite proper during suspension that the Chair be vacant.

The Hon. the Speaker: Thank you, Senator Lynch-Staunton.

Hon. Marcel Prud'homme: Your Honour, I said earlier, on a point of order before you called the Orders of the Day, what I had to say. I abide by your ruling, even though I do interpret it totally contrary to what you have just said. Without a shadow of doubt in my mind, I did not see two senators standing up at the time that the vote was over, and I would hate for people who read today's *Debates of the Senate* next Monday to misinterpret what I said. I stand by what I said, but I abide by your ruling.

The Hon. the Speaker: I am sorry, Senator Prud'homme, but there was an opportunity to challenge the ruling.

Senator Prud'homme: I do not challenge it.

The Hon. the Speaker: I do not think, by practice or by our rules, that we debate or discuss rulings other than that they are challenged or not.

PUBLIC SAFETY BILL 2002

SECOND READING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Christensen, for the second reading of Bill C-7, to amend certain Acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Stand.

Hon. Fernand Robichaud: Question!

Hon. John Lynch-Staunton (Leader of the Opposition): Stand.

The Hon. the Speaker: Is this order to stand, honourable senators?

Senator Lynch-Staunton: Yes.

The Hon. the Speaker: On the basis of the motion by the Deputy Leader of the Opposition, this order will stand.

Senator Robichaud: That is not their business.

The Hon. the Speaker: I want to be very careful. If I get a mixed message, then I should probably put the question. Is Bill C-7 to stand or is it to be —

Hon. Bill Rompkey (Deputy Leader of the Government): Stand.

Senator Kinsella: Stand.

The Hon. the Speaker: Stand.

Order stands.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—
MOTION IN AMENDMENT—VOTE DEFERRED

On the Order:

Resuming debate on the motion of the Honourable Senator Trenholme Counsell, seconded by the Honourable Senator Massicotte, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the Third Session of the Thirty-seventh Parliament.—(10th day of resuming debate)

Hon. Bill Rompkey (Deputy Leader of the Government): Question.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Stand.

The Hon. the Speaker: I hear some senators saying "question" and some saying "stand." Are honourable senators ready for the question?

Hon. Fernand Robichaud: Yes.

Senator Kinsella: I would like to move the adjournment of the debate.

The Hon. the Speaker: It was moved by the Honourable Senator Kinsella, seconded by the Honourable Senator LeBreton, that further debate be adjourned to the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

I did not hear. You must realize that I do not always hear well from this Chair.

Will those in favour of the motion, please say "yea"?

Senator Kinsella: Could we have the motion read so that everyone is clear what order we are on?

The Hon. the Speaker: The motion is that the Honourable Senator Kinsella, seconded by the Honourable Senator LeBreton, moves the adjournment of the debate to the next sitting of the Senate.

Senator Kinsella: On what?

The Hon. the Speaker: On the reply to the Speech from the Throne.

Some Hon. Senators: No, no.

Senator Prud'homme: That was the one.

The Hon. the Speaker: Motion No. 2?

Senator Prud'homme: That was the one.

The Hon. the Speaker: I will put the question, then. Because of the confusion I have created by being on the wrong number, I will put the question.

It was moved by the Honourable Senator Kinsella, seconded by the Honourable Senator LeBreton, that debate on Motion No. 2 be deferred to the next sitting of the Senate.

Senator Rompkey: No, No. 1.

Senator Kinsella: I think we should have the motion read so that we know what the motion is.

The Hon. the Speaker: Honourable senators, I am listening too carefully sometimes to people and I know not who they are. I was right the first time.

Senator Prud'homme: That is right!

The Hon. the Speaker: We are on Motion No. 1. I will ask the Table to confirm that.

Senator Prud'homme: Yes.

The Hon. the Speaker: The Table says that we are on Motion No. 2.

Honourable senators, again, I appreciate your patience, but having conferred with the Table —

Senator Prud'homme: You were on No. 1.

The Hon. the Speaker: — I am happy to say I did understand correctly, and that I, being in the Chair, was on motion No. 1.

Senator Prud'homme: Exactly. Yes.

Some Hon. Senators: Hear, hear!

The Hon. the Speaker: I had expressed a little confusion as to whether the matter should be moved, as some senators on this side were saying, in other words to put the question, or whether it should be stood, as some other senators were saying. Because it is important, particularly in these times, not to move too quickly, and it is important to remember that every senator in this place is involved with our proceedings, not just a few, we must proceed in a way that we all understand, in particular the Chair.

An Hon. Senator: Good!

Some Hon. Senators: Hear, hear!

The Hon. the Speaker: We are on Motion No. 1, and I am not clear on whether it should stand or whether it should be put as a question.

Some Hon. Senators: Question!

Senator Kinsella: Honourable senators, I moved, seconded by Senator LeBreton, the adjournment of the debate on Motion No. 1.

The Hon. the Speaker: This would be the proper way for us to dispose of the question of whether it be put or not, or whether the debate be adjourned. I will put the motion of Senator Kinsella.

It is moved by the Honourable Senator Kinsella, seconded by the Honourable Senator LeBreton, that further debate be adjourned to the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

Some Hon. Senators: Yes.

The Hon. the Speaker: Those in favour of the motion will please say "yea".

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion will please say "nay".

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the "nays" have it.

And two honourable senators having risen.

The Hon. the Speaker: Call in the senators. We will have a one-hour bell.

• (1200)

The Hon. the Speaker: Honourable senators, the question is on the motion of the Honourable Senator Kinsella, seconded by the Honourable Senator LeBreton, that further debate on the motion for an Address in reply to the Speech from the Throne be adjourned until the next sitting of the Senate.

Motion negated on the following division:

YEAS THE HONOURABLE SENATORS

Atkins
Beaudoin
Cochrane
Comeau
Di Nino
Forrestall

Johnson
Kinsella
Murray
Nolin
Oliver—11

NAYS THE HONOURABLE SENATORS

Adams
Austin
Bacon
Baker
Banks
Callbeck
Carstairs
Chaput
Christensen
Cook
Corbin
Day
De Bané
Downe

Joyal
Kenny
LaPierre
Léger
Losier-Cool
Maheu
Mercer
Milne
Moore
Morin
Pearson
Pépin
Phalen
Prud'homme

Finnerty
Fraser
Furey
Graham
Hubley
Jaffer

Robichaud
Rompkey
Smith
Stollery
Trenholme Counsell—39

ABSTENTIONS THE HONOURABLE SENATORS

Cools

Gauthier—2

The Hon. the Speaker: Resuming debate.

Hon. Marcel Prud'homme: Honourable senators, would it be possible, when there is to be a vote in one hour, to say the time for the benefit of television viewers? At times that is done in the House of Commons. It would be useful for those who listen to the TV because they call the whip's office to find out the time of the vote.

Senator Kinsella: Honourable senators, I appreciate the vote of enthusiasm from the other side to hear what I have to say about the Speech from the Throne. I will begin by quoting former Honourable Senator John B. Stewart, who was a great teacher to all honourable senators. We find in the *Canadian Encyclopedia*, at page 1741, the following passage by Senator Stewart:

The Speech from the Throne reveals to the Senate and the House of Commons the work the ministers propose for the session of Parliament then beginning.

Well, based on what we heard on February 2, the government would need Parliament to sit each day until June 23, the day that the published agenda of the House of Commons provides for the summer break. However, if it is not the intention of the government to bring forward to Parliament the legislation that will require the approval of the two Houses in order to implement the measures outlined in the Speech from the Throne, then an abuse of Parliament and the Canadian people has been attempted by this government.

The Prime Minister should forthwith make it clear that he is serious about this Speech from the Throne and that he will not call an election prior to June 23, the day that the House of Commons is scheduled to rise for the summer break.

[Translation]

Honourable senators, before I continue, I would like to point out a truly remarkable anniversary, the 400th anniversary of the Acadian community on the North American continent.

[English]

Honourable senators, John Stuart Mill wrote the following:

Men as well as women do not need political rights in order that they might govern but in order that they might not be misgoverned.

[The Hon. the Speaker]

It is the misgovernment and legacy of waste that the people of Canada will speak to when they exercise their political right to vote in the upcoming federal election.

The people of Canada will not be gullible and accepting of this attempt to wallpaper over a decade of Martin-Chrétien waste and much worse. Canadians will neither forget nor forgive Mr. Martin throwing away \$500 million in penalties for cancelling the helicopter contract. Here we are today, still with no helicopters. The navy frigate I served with last summer has not had a helicopter on its flight deck in years — some commitment by the Martin government to the Canadian military.

Canadians will neither forget nor forgive Mr. Martin's involvement as the former finance minister and the cancellation of the agreement to develop Pearson Airport.

Then we have Mr. Martin's involvement in the unemployment insurance account, where he oversaw a shameless raid on the wallets of Canadian workers. Prior to Paul Martin's arrival on the scene, no one would have turned EI premiums into general tax revenue to pay for government programs. It is Paul Martin who has overcharged Canadian workers by some \$50 billion.

Now, the same Paul Martin tells us of his concern for municipalities. However, honourable senators will recall Paul Martin's other infrastructure program where the meaning of "infrastructure" was deemed to include "any physical capital asset in Canada instrumental in the provision of a public service."

It was this Paul Martin program that allowed for a \$200,000 lighted fountain in the former Prime Minister's riding, as well as a \$500,000 Canadian Canoe Hall of Fame.

Let us not forget that Paul Martin and Allan Rock set aside \$2 million for the ill-conceived firearms registration program, which is now costing some \$1 billion. It is no wonder that provincial governments have given wide birth to this boondoggle.

Honourable senators, when Canadians do go to the polls to exercise the political right to vote, that exercise will be the real judgment on the scandals that have been exposed by the Auditor General. Canadians will vote for competent management of public funds, competent control of the machinery of government and governance with integrity.

In respect of cultural and health rights, Canadians will also take note of the poor record of Paul Martin in the areas of health and higher education. Voters hold Paul Martin responsible for cutting the transfer payments to the provinces — a Martin decision that had a direct effect on the current crisis of the Canadian health delivery system and on the shameful and unacceptable burden of indebtedness faced by Canadian university students.

• (1210)

Honourable senators, some would try to see in the Speech from the Throne a new vision for a so-called "new government." There is neither vision nor anything new about the same group of faces supporting this old visionless and incompetent crowd.

In the fiscal year 1994-95, Paul Martin slashed the transfers to the provinces for post-secondary education, and what happened? Tuition and education costs skyrocketed. Students in Canada now have an average student debt load of some \$22,000, making our students among the most indebted in the entire world. Paul Martin is responsible for doubling individual student indebtedness. Ten years ago, student debt upon graduation was around \$11,000, almost half of what it is today.

Honourable senators, I would like to place on the record a letter that appeared in *The Daily Gleaner* in my home city of Fredericton, a letter written by Bertrand Durelle of Baie-Sainte-Anne, New Brunswick.

Dear Editor, I tuned in to listen to the throne speech. The second sentence I heard the Governor General read was as follows, "Low-income persons will be encouraged to begin investing for their children's higher education beginning at birth.

Can anyone explain what that meant and make any sense of it? A low-income person is usually a poor person, aren't they?

So how can a person who has to use food banks to feed his or her children put any money aside for post-secondary education of their children for heaven's sake? I'd like to meet the person who thought up such stupid ideas.

His or her IQ borders on the IQ of a bird and they must apologize to the birds for saying such things.

What's so troubling about these so-called tax cuts to help low-income families is that it doesn't mean anything.

How can a child whose parent or parents have to use food banks every month benefit from tax cuts?

Those who make stupid statements such as these should just come out and tell the poor people that they're not included in the speech and not important enough to be considered.

At least it would not insult their intelligence. Some politicians have a lot in common with diapers; they have to be changed once in awhile and for the same reason.

MOTION IN AMENDMENT

Hon. Noël A. Kinsella (Deputy Leader of the Opposition: Honourable senators, I move, seconded by the Honourable Senator Stratton:

That the motion be amended by adding:

"And the Senate regrets that the Speech from the Throne is a preview of a tired Liberal election platform, filled with empty rhetoric and vacuous promises that does nothing to address the very real problems facing Canadians who are turning to the Conservative Party to form a government that will manage with competence and govern with integrity."

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: All those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: All those opposed to the motion will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: Please call in the senators. There will be a one-hour bell.

Hon. Terry Stratton: Honourable senators, I would like to refer His Honour to rule 67(1) and rule 67(2). Specifically, 67(2) states:

Except as provided in section (3) or as otherwise provided in these rules, when a vote has been deferred, pursuant to section (1), it shall stand deferred until 5:30 o'clock p.m. on the next day the Senate sits.

The Hon. the Speaker: Senator Stratton, are you deferring the vote?

Senator Stratton: Yes, Your Honour.

The Hon. the Speaker: To be precise, the vote on the motion that was just put will take place, because it has been deferred in accordance with the rules as cited by Senator Stratton, at 5:30 p.m. on the next sitting day of the Senate, the bells to ring 15 minutes before the vote.

Hon. Marcel Prud'homme: Honourable senators, I have a question. We were given every indication that we may or may not sit Monday night at 8 p.m. To run our lives intelligently, I would like to know whether we will be voting on Monday at 5:30 p.m. or Tuesday at 5:30 p.m. Honourable senators would like to know exactly. I know the meaning of "next day," but we were under the impression that we may not come back on Monday. However, we could come back, and if we do, it will be at 8 p.m. Could we have an explanation?

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, the rules state that we sit at 2 p.m. on Monday unless there is a motion contrary to that time. I do not intend to move such a motion.

THE ESTIMATES, 2003-04

NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY SUPPLEMENTARY ESTIMATES (B)

Hon. Bill Rompkey (Deputy Leader of the Government), pursuant to notice of February 19, 2004, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (B) for the fiscal year ending March 31, 2004, with the exception of Parliament Vote 10b.

Motion agreed to.

MOTION TO REFER VOTE 10B OF SUPPLEMENTARY ESTIMATES (B) TO STANDING JOINT COMMITTEE ON LIBRARY OF PARLIAMENT ADOPTED

Hon. Bill Rompkey (Deputy Leader of the Government), pursuant to notice of February 19, 2004, moved:

That the Standing Joint Committee on the Library of Parliament be authorized to examine the expenditures set out in Parliament Vote 10b of the Supplementary Estimates (B) for the fiscal year ending March 31, 2004; and

That a Message be sent to the House of Commons to acquaint that House accordingly.

Motion agreed to.

THE SENATE

SENATORS APPOINTED TO JOINT COMMITTEES—MESSAGE TO COMMONS

Hon. Bill Rompkey, pursuant to notice of February 19, 2004, moved:

That a Message be sent to the House of Commons to acquaint that House of the names of the Honourable Senators appointed to serve on the Standing Joint Committees as reported in the second report of the Committee of Selection adopted February 3, 2004.

Motion agreed to.

• (1220)

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Kinsella, for the second reading of Bill C-250, to amend the Criminal Code (hate propaganda).—(*Honourable Senator Sparrow*).

An Hon. Senator: Question!

The Hon. the Speaker: Are honourable senators ready for the question?

POINT OF ORDER

Hon. Anne C. Cools: Honourable senators, I would like to speak to what I consider to be an extremely improper action that His Honour may be proposing.

Two days ago, Senator Sparrow made the motion to adjourn debate in this chamber, and that question was duly voted upon and stands. Yesterday, I rose in the chamber and appealed to the Senate, saying that Senator Sparrow had had to go home. I have the record in front of me. I said:

I appeal to the chamber to allow the dean of the Senate to speak or to let the matter stand.

The question to stand the item was put to the chamber and was agreed to by honourable senators. When the decision of this chamber was taken, I said very clearly:

He is not here at the moment, but I am sure he will be able to speak to the bill in the near future.

Honourable senators agreed, and I do not understand the attempt of certain individuals here today to essentially rescind that decision.

Does Your Honour want to say something to me?

The Hon. the Speaker: I assume you are rising on a point of order and not speaking to the motion?

Senator Cools: I was explaining what I thought was my understanding. I am not speaking to the bill; I am speaking in response to someone calling out to you, "question," and your readiness to respond to him or her. I thought something should be said. I can do it in the form of a point of order, if you wish, if that is how we should proceed, which means I would have to change the structure of what I am saying.

Honourable senators, I am saying that a motion to adjourn is an order of this chamber. On private members' bills, unlike government bills, a motion to adjourn is not a motion to adjourn to the next sitting. On government bills, a motion to adjourn means to adjourn to the next sitting. That has been clarified in our rules. My understanding is that this is not the case on private members' bills.

Honourable senators, I have been deeply bothered by the fact that this bill is propelled, as it was propelled in the House of Commons, by government support. In our system of governance, when the government — in that case, a few months ago, it was Minister of Justice Mr. Cauchon — supports a bill, it is supposed to move forward under the notion of ministerial responsibility, and that is not what happened, which concerns me greatly.

To come back to my essential point and what I am asking His Honour to look at, two days ago — the day before yesterday — Senator Sparrow, the dean of the Senate, rose and took the

adjournment. That means he proposed a motion for adjournment, which was voted on and became an order of the Senate. Yesterday, Senator Sparrow could not be here. He lives very far away in North Battleford. As soon as the order was called, someone called, "question." I was not able to detect if that person was the sponsor of the bill. It is my understanding that before the question is called, the sponsor of the bill should rise to speak, but that is neither here nor there.

The fact of the matter, honourable senators, is that the motion to adjourn was supported by another decision of this chamber yesterday, as recorded at page 309 of Hansard. I said:

...Bill C-250 currently stands in the name of Senator Sparrow, and he wishes to speak to the bill. I appeal to honourable senators to allow Senator Sparrow to speak. He is not here at the moment, but I am sure he will be able to speak to the bill in the near future. I appeal to the chamber to allow the dean of the Senate to speak or to let the matter stand.

The Hon. the Speaker: Is the matter to stand, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Order stands.

That decision was renewed, and the decision that was taken yesterday was to let the matter stand until Senator Sparrow could speak, which he would do in the very near future.

Honourable senators, that decision is not simply overruled by someone calling out, just now, "question" as was done just now. Your Honour should not be so quick on your feet to put the question, because when that person calls out "question," they are asking Your Honour, without a decision of this chamber, to overturn a decision that was made yesterday. The decision that was made yesterday is an order of this place reinforcing a previous order, so we are dealing with two orders, not one.

An Hon. Senator: Order.

Senator Cools: Honourable senators, I am speaking to a point of order. I do not know if it is customary for another senator — an echo — to be saying "order," because "order" means that he is asking His Honour to tell me not to speak. I feel very strongly that the question before us is very important. It concerns the propriety and probity of how this chamber conducts its business and whether individuals have the capacity to exercise their constitutional right to deliberate and consider questions in this very important chamber.

I am not finished, Your Honour.

The Hon. the Speaker: As honourable senators are well aware, to the greatest degree possible we are a self-regulating body, and when honourable senators indicate, through murmurings, that they are anxious to move on, it is difficult not to be responsive.

We are dealing with a point of order, but in respect for the apparent desire of some senators, which I think is generally felt, I would ask that we move on as efficiently as possible and come to a conclusion on the point of order. I have listened carefully. I think I have probably heard the whole point of order. Other honourable senators may intervene, and if they do, I will come back to Senator Cools for a final comment. There are no rules with respect to this matter. It is just a matter of saying that we should try to move on with this as quickly as possible.

Senator Cools: Honourable senators, I was under the impression that I was moving as quickly as possible. I was doing the best that I could under the current circumstances. However, if His Honour feels the sense to nudge me, I appreciate that, too. Honourable senators, my point is that a private member's bill is a different animal from a government bill and that the rules governing adjournments are different from those of a government bill.

• (1230)

Your Honour, the central point I want to discover from you has to do with the decision that was made to allow Senator Sparrow to speak. That decision was repeated, reinforced and reconfirmed yesterday. That is now a decision of this place. Any attempt to overturn that decision must be done in a proper way because to do so is in point of fact rescinding an order.

In addition, Your Honour, there is the whole business of due process. What I did yesterday I did respectfully in the name of Senator Sparrow. He should have an opportunity to respond to any action that would further bar him from speaking. The oldest principle in our system is the right of reply and the right of response.

Honourable senators, to overturn the decision of yesterday without Senator Sparrow's intervention and agreement would involve the invocation of rule 63(2), which states:

An order, resolution, or other decision of the Senate may be rescinded...

The rule then lays out the manner for rescinding a decision.

Honourable senators, decisions of this place are matters that many of us take seriously. Their repeal is a matter that calls into action another process.

Could Your Honour look at the two points? The first point concerns the decision made yesterday granting Senator Sparrow the right to speak in a couple of days. No action should be taken until Senator Sparrow is contacted. It involves the right of response.

The second point involves the question of the need to alter that order. The alteration of that order should follow a process.

I would like to say, honourable senators, that elements of something I find a bit lawless have been developing in this chamber. That means anything can be done by so-called unanimous consent, and so on and so forth. Those are not

proper ways to run a chamber. Frankly, I would expect His Honour to uphold the right and dignity of the chamber and, in addition, to uphold the right of Senator Sparrow to be able to speak to this matter. I can tell honourable senators that Senator Sparrow was not expecting that the Senate would be sitting today. Many of us were not expecting to be sitting today. We only found out in the last many hours.

Honourable senators, I wonder if —

Senator Robichaud: Order!

Senator Cools: — you could look at that.

Your Honour, I really object to Senator Robichaud, every time I am speaking, calling out the word "order." I am quite in order. He is not calling for order. What he is calling for is for me to be silenced.

Senator Robichaud: Order!

Senator Cools: There is a difference. I object very strongly to that kind of thing, Your Honour. If anyone is out of order, it is Senator Robichaud.

Senator Robichaud: Order!

Senator Cools: If anyone were to be called out of order, it should be him, not me. It happens often, Your Honour. As I said yesterday, it is tiresome and tedious.

Hon. Serge Joyal: Honourable senators, I am the sponsor of this bill. After the interventions in this chamber yesterday concerning allowing Senator Sparrow the opportunity to speak, I got in touch with him. I clearly asked him if he had any objection to the bill being sent to committee for further study. Senator Sparrow informed me that he was satisfied with the progress of the debate as registered in this chamber and would have no objections to the bill being sent to the committee.

Some Hon. Senators: Hear, hear!

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, I will rule on Senator Cools' point. It has been raised a number of times. I think our rules, as well as our practices, are well settled. When an item is called on our Order Paper, senators present in the chamber on that day, at that moment, decide what will happen.

Senator Cools has raised an interesting point as to whether there should be a difference between a government-sponsored bill and a private member's bill. Our rules, of course, are different for the two. However, I do not believe there is any difference in terms of respecting the rights and powers of the chamber as a whole to dispose of any matter that is before it at any given moment. That is the reason it comes up each day.

Accordingly, I cannot rule in favour of the matter continuing to stand in the circumstance in which we find ourselves. I have been informed by honourable senators that there is not unanimous agreement to let the matter stand or, in effect, to remain adjourned for another day. In that event, I have no alternative but to deal with the difference of opinion.

In this particular case, there is no ruling by me on the question raised by Senator Cools. I have sympathy for Senator Sparrow as well, although that has, perhaps, been addressed by Senator Joyal's comment. It is not possible for me to go back in time and apply an earlier decision of the Senate to a matter that has come up for a decision again today.

Accordingly, the ruling is that the matter is now properly before us.

Some Hon. Senators: Question!

Hon. Anne C. Cools: Your Honour, I think there is a misunderstanding. I was not asking you to look solely at the question of all motions to adjourn. I was asking you to look at a particular decision of yesterday about which it was stated that it continue to stand in the name of the Honourable Senator Sparrow.

Senator Joyal has said that he has spoken to Senator Sparrow. I assume that he spoke to him this morning. Obviously, Senator Joyal's information is a bit more current than mine. I only know what happened based on what I saw transpire in the chamber.

Your Honour, the real question before you concerns the vote of yesterday and your very order, as you very clearly said.

The Hon. the Speaker: Is the matter to stand, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Order stands.

Senator Robichaud: He just ruled on that!

Senator Cools: That is the real question that you must wrap your mind around, Your Honour, not the question of adjournments in general.

Senator Robichaud: That is appealing the decision.

The Hon. the Speaker: This is unusual because once the Speaker rules that is the end of the matter and the proper way to disagree is to challenge the ruling.

Once again, I will pause to see whether the ruling is to be challenged.

Some Hon. Senators: No.

The Hon. the Speaker: If not, then we must proceed with our business.

Some Hon. Senators: Question!

The Hon. the Speaker: We are at a point where it has been asked that the question be put. I take it that honourable senators are ready for the question.

Some Hon. Senators: Question!

The Hon. the Speaker: Honourable senators, it was moved by the Honourable Senator Joyal, seconded by the Honourable Senator Kinsella, that this bill be read the second time.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Yes.

Senator Cools: No.

The Hon. the Speaker: On division.

Motion agreed to and bill read second time, on division.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Joyal, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Committee on Internal Economy, Budgets and Administration (budget of Transport and Communications Committee—legislation) presented in the Senate on February 19, 2004.—(*Honourable Senator Bacon*).

Hon. Lise Bacon moved the adoption of the report.

Motion agreed to and report adopted.

• (1240)

SCRUTINY OF REGULATIONS

REPORT OF JOINT COMMITTEE DEBATE ADJOURNED

Leave having been given to revert to Reports of Committees, No. 3:

The Senate proceeded to consideration of the first report of the Standing Joint Committee for the Scrutiny of Regulations (permanent order of reference and expenses re Rule 104) presented in the Senate on February 19, 2004.—(*Honourable Senator Hervieux-Payette, P.C.*).

Hon. Wilfred P. Moore: Honourable senators, I move the adoption of the report.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, several senators have mentioned to me that they have questions about that report and were looking forward to having Senator Hervieux-Payette move the motion so that she could explain and respond to those questions.

On motion of Senator Kinsella, for Senator Lynch-Staunton, debate adjourned.

TRANSPORT AND COMMUNICATIONS

BUDGET—REPORT OF COMMITTEE ON STUDY OF MEDIA INDUSTRIES ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Transport and Communications (budget—study on the Canadian media) presented in the Senate on February 19, 2004.—(*Honourable Senator Fraser*).

Hon. Joan Fraser moved the adoption of the report.

Motion agreed to and report adopted.

BUSINESS OF THE SENATE

Hon. Terry Stratton: Honourable senators, I rise on a point of order. Normally, in the course of events when we call a vote, the two whips negotiate. In this particular instance, the second time, there was no attempt to negotiate at all.

For the record, we were quite prepared to offer to have a vote at 8:30 p.m. on Monday evening, with a half-hour bell starting at 8 p.m. No one, that I saw, on that side would take us up on that offer. We tried to get the attention of the honourable senator to that effect and did not succeed, despite looking at him and trying to get his attention.

For the record, we still would like to put that offer on the table.

Senator Ringuette: Cry me a river!

Hon. Rose-Marie Losier-Cool: Honourable senators, there has been no attempt to negotiate, but we will stick to the rule that the vote will be at 5:30 p.m. this afternoon.

Some Hon. Senators: Hear, hear!

Senator Ringuette: Bravo!

Hon. Anne C. Cools: To follow the proceeding that just occurred, I do not understand how negotiations are conducted across the floor like this. Perhaps, Your Honour and honourable senators, at some point in the future we can look at this whole business of private conversations between leaders and their impact on this chamber, and which of those private conversations bind the chamber and which should be voted upon. I find this practice quite disturbing because this is a chamber that moves ahead by way of proposals, motions and so on. It does not move ahead by putting propositions on the table in this way.

The Hon. the Speaker: Honourable Senator Cools, in response to your point of inquiry, perhaps it could be put on the Speaker's Advisory Committee agenda. I will ask the Table to take note of it and that it be referred to the Rules Committee or whichever committee is appropriate.

We are in situations where, from time to time, by our custom and practice, house leadership and the whips, as well as the deputy leaders and leaders, have a role in reverse order, but no specific rules apply to them. I think that is a good suggestion.

Honourable senators, we will now suspend the sitting to await the vote at 5:30 p.m. this afternoon. The bells will ring at 5:15 p.m.

Could I have permission that there be an order to leave the Chair vacant until the bells ring at 5:15 p.m.?

Hon. Senators: Agreed.

The Hon. the Speaker: The practice is that for the period of the suspension, until 5:15 p.m. when the bells ring, we lock the chamber so that senators may leave their papers as they are, and that the chamber is, I assume by definition, empty during that period of time. Is it agreed that we do that, honourable senators?

Hon. Senators: Agreed.

Senator Kinsella: Just so it is perfectly clear, we are suspending the sitting. The mace will remain on the table. For security reasons, we are locking the doors.

The Hon. the Speaker: Yes, until 5:15 p.m.

Senator Kinsella: As I think was mentioned earlier, it is not necessary for the Chair to be occupied during a suspension of the house when the mace is on the table.

The Hon. the Speaker: Are we agreed, honourable senators?

Hon. Senators: Yes.

The Hon. the Speaker: The sitting, then, is suspended to the call of the bell at 5:15 p.m., when the doors will be unlocked as per our agreement.

The sitting of the Senate was suspended.

• (1730)

The sitting of the Senate was resumed.

ELECTORAL BOUNDARIES READJUSTMENT ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Smith, P.C., seconded by the Honourable Senator Robichaud, P.C., for the second reading of Bill C-5, respecting the effective date of the representation order of 2003.

The Hon. the Speaker: The question is on the motion of the Honourable Senator Smith, seconded by the Honourable Senator Robichaud, that Bill C-5 be read the second time.

Motion agreed to and bill read second time on the following division:

YEAS
THE HONOURABLE SENATORS

Adams	Joyal
Austin	Kenny
Bacon	LaPierre
Baker	Léger
Banks	Losier-Cool
Callbeck	Maheu
Carstairs	Mahovlich
Chaput	Mercer
Christensen	Milne
Cook	Moore
Cools	Munson
Corbin	Pearson
Day	Pépin
Fairbairn	Phalen
Fraser	Poulin
Furey	Prud'homme
Gauthier	Ringuette
Graham	Rompkey
Harb	Stollery
Hubley	Trenholme Counsell—41
Jaffer	

NAYS
THE HONOURABLE SENATORS

Atkins	Johnson
Beaudoin	Kinsella
Cochrane	LeBreton
Comeau	Nolin
Di Nino	Oliver
Forrestall	Stratton—12

ABSTENTIONS
THE HONOURABLE SENATORS

Nil

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when will this bill be read the third time?

On motion of Senator Rompkey, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, in accordance with our rules, we now stand adjourned automatically until the next sitting. However, Senator Kenny has requested the floor to request leave. For that to happen, I need your unanimous consent giving him leave and permission to do so. Is leave granted?

Senator Prud'homme: Leave for what?

The Hon. the Speaker: Several honourable senators are speaking at the same time. The only question I wanted answered is: Is there leave for us to waive the application of the rule I just described to give Senator Kenny the opportunity to request leave on two matters that he would like the Senate to dispose of, or not?

Is leave granted, honourable senators.

Hon. Senators: Agreed.

The Hon. the Speaker: Leave is granted.

NATIONAL SECURITY AND DEFENCE

COMMITTEE AUTHORIZED TO MEET
DURING SITTING OF THE SENATE

Hon. Colin Kenny, Chairman of the Standing Senate Committee on National Security and Defence, with leave of the Senate and notwithstanding rule 58(1), moved:

That the Standing Senate Committee on National Security and Defence have power to sit at 2 p.m. on Monday, February 23, 2004, even though the Senate may be sitting, and that Rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

Senator Kinsella: Yes, leave is granted.

The Hon. the Speaker: I will put the motion. It is moved by the Honourable Senator Kenny, seconded by the Honourable Senator Furey, notwithstanding rule 58(1), that the Standing Senate Committee?

Hon. Senators: Dispense.

The Hon. the Speaker: Do you wish to speak, Senator Kenny? Questions?

Hon. Terry Stratton: Honourable senators, I would like again to make the offer I made earlier. We had made the offer to have the vote on Monday at 8:30 p.m., with the bell ringing at eight. I make that offer again.

The Hon. the Speaker: Honourable senators, I need to dispose of Senator Kenny's motion. Is the Senate ready for the question?

An Hon. Senator: Question!

The Hon. the Speaker: Your matter is house business, Senator Stratton.

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

NATIONAL SECURITY AND DEFENCE

BUDGET—REPORT OF COMMITTEE
ON STUDY OF NEED FOR NATIONAL
SECURITY POLICY ADOPTED

Leave having been given to revert to Reports of Committee, No. 6:

The Senate proceeded to consideration of the second report of the Standing Senate Committee on National Security and Defence (budget—study on the need for a national security policy for Canada) presented in the Senate on February 19, 2004. —(*Honourable Senator Kenny*).

Hon. Colin Kenny: Honourable senators, I move adoption of this report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, we are now subject to the rule of automatic adjournment.

Hon. Marcel Prud'homme: Honourable senators, in good spirit, if it were possible to say “yes” to Senator Stratton’s request, I for one, in my corner, think that it would lead to a harmonious week next week. The honourable senator has suggested that we come back at 8 p.m. and vote at 8:30 p.m., instead of coming back at 2 p.m. to vote at 5:30 p.m.

Hon. Bill Rompkey (Deputy Leader of the Government): We would prefer that the rules be followed as the rules permit, honourable senators. We have learned by experience that it is far better to follow the rules than to try and move around the rules. We will follow the rules and, if it is in order, I would now move that the Senate adjournment.

The Senate adjourned until Monday, February 23, 2004, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
 (3rd Session, 37th Parliament)
 Friday, February 20, 2004

GOVERNMENT BILLS
(SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-4	An Act to amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer) and other Acts in consequence	04/02/11							
C-5	An Act respecting the effective date of the representation order of 2003	04/02/11	04/02/20	Legal and Constitutional Affairs					
C-6	An Act respecting assisted human reproduction and related research	04/02/11	04/02/13	Social Affairs, Science and Technology					
C-7	An Act to amend certain Acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety	04/02/11							
C-8	An Act to establish the Library and Archives of Canada, to amend the Copyright Act and to amend certain Acts in consequence	04/02/11	04/02/18	Social Affairs, Science and Technology					
C-13	An Act to amend the Criminal Code (capital markets fraud and evidence-gathering)	04/02/12							
C-14	An Act to amend the Criminal Code and other Acts	04/02/12							
C-16	An Act respecting the registration of information relating to sex offenders, to amend the Criminal Code and to make consequential amendments to other Acts	04/02/12	04/02/19	Legal and Constitutional Affairs					
C-17	An Act to amend certain Acts	04/02/12							

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-212	An Act respecting user fees	04/02/03	04/02/11	National Finance					
C-249	An Act to amend the Competition Act	04/02/03							
C-250	An Act to amend the Criminal Code (hate propaganda)	04/02/03	04/02/20	Legal and Constitutional Affairs					
C-260	An Act to amend the Hazardous Products Act (fire-safe cigarettes)	04/02/03							
C-300	An Act to change the names of certain electoral districts	04/02/03							

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to prevent unsolicited messages on the Internet (Sen. Oliver)	04/02/03							
S-3	An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver)	04/02/03							
S-4	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	04/02/03							
S-5	An Act to protect heritage lighthouses (Sen. Forrester)	04/02/03	04/02/05	—	—	—	04/02/05		
S-6	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	04/02/04	04/02/11	Legal and Constitutional Affairs					
S-7	An Act respecting the effective date of the representation order of 2003 (Sen. Kinsella)	04/02/04							
S-8	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	04/02/05	04/02/12	Energy, the Environment and Natural Resources					
S-9	An Act to honour Louis Riel and the Metis People (Sen. Chalifoux)	04/02/05							
S-10	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	04/02/10							
S-11	An Act to repeal legislation that has not been brought into force within ten years of receiving royal assent (Sen. Banks)	04/02/11							
S-12	An Act to amend the Royal Canadian Mounted Police Act (modernization of employment and labour relations) (Sen. Nolin)	04/02/12							
S-13	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	04/02/19							

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
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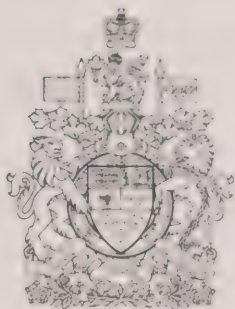
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CANADA

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• 37th PARLIAMENT

• VOLUME 141

• NUMBER 14

OFFICIAL REPORT
(HANSARD)

Monday, February 23, 2004

—

THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Monday, February 23, 2004

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

UNITED NATIONS

HIGH COMMISSIONER FOR HUMAN RIGHTS— CONGRATULATIONS TO JUSTICE LOUISE ARBOUR

Hon. Noël A. Kinsella (Deputy Leader of the Opposition):

Honourable senators, Canadians have been strong contributors and supporters of the United Nations' work in the area of international human rights promotion and protection. A distinguished member of the Supreme Court of Canada, Madam Justice Louise Arbour, has been named the United Nations High Commissioner for Human Rights. In this office, Justice Arbour will be joining a select group of Canadians who have played key roles in the ongoing human rights work of the United Nations. The group includes Professor John P. Humphrey, author of the first draft of the Universal Declaration of Human Rights and the first Director of the United Nations Human Rights Division, and Mr. Justice Walter S. Tarnopolsky, another Canadian who was so important in making the international covenants system of the United Nations work.

I am confident that Justice Arbour will continue the outstanding human rights work of these Canadians. I wish to extend to her the congratulations and encouragement of the Senate as she assumes the leadership of the human rights work of the United Nations.

Honourable senators, it might prove instructive and informative if the Standing Senate Committee on Human Rights were to arrange to meet with the new United Nations High Commissioner for Human Rights at the earliest opportunity.

[Later]

[Translation]

Hon. Gérald-A. Beaudoin: Honourable senators, I would like to offer my heartiest congratulations to Madam Justice Louise Arbour of the Supreme Court of Canada, who has just been appointed United Nations High Commissioner for Human Rights.

Along with Louise Fréchette, second in command at the United Nations after Secretary General Kofi Annan, and Philippe Kirsch, President of the International Criminal Court, Madam Justice Arbour will be part of a formidable trio of Canadians heading international justice organizations.

Louise Arbour, a law graduate of the Université de Montréal, and former professor at Osgoode Hall Law School in Toronto has had an outstanding career in the legal world, in criminal law and on the bench, particularly in the Court of Appeal for Ontario. She was the Prosecutor of the International Criminal Tribunal for the former Yugoslavia and the International Tribunal for Rwanda and played a significant role in the indictment of Slobodan Milosevic by the International Criminal Tribunal. As the next step in her remarkable career, she was named to the Supreme Court of Canada in 1999.

In last week's Supreme Court decision on spanking, she dissented, and suggested eliminating corporal punishment for children. She dissented, and rightfully so, I believe.

She deserves the great honour bestowed on her and has all the qualifications needed to take up this position.

Our best wishes accompany this truly exceptional jurist in her new career with the United Nations.

[English]

PRINCE EDWARD ISLAND

FARMERS HELPING FARMERS

Hon. Catherine S. Callbeck: Honourable senators, I rise to recognize the achievements of Farmers Helping Farmers, an innovative Prince Edward Island group that has just completed a mission to Kenya to expand its economic development work with groups of smallhold farmers. Since its founding 25 years ago, Farmers Helping Farmers has brought hope and opportunity to at least 100,000 people in rural African communities.

The organization was established after an international conference held in Charlottetown in 1979. It is made up of community-minded Islanders with an agriculture background. Since then, Farmers Helping Farmers has carried out numerous development projects involving over \$1 million in funding that has been raised through a combination of community donations and matching support from the Canadian International Development Agency.

The group's goal is to help African farmers become more self-reliant in agricultural food production. Their achievements have received widespread recognition. The group also works to build bonds of understanding between the two countries. During the 1990s, 12 exchanges of rural students took place and currently, three P.E.I. schools are twinning with schools in Kenya to provide books and school supplies and to learn about each other's cultures and issues.

Honourable senators, the challenges of developing countries are daunting. Individuals may question what they can realistically do to help. Farmers Helping Farmers is a testament to what can be achieved when a small group of people marshals community support and sets out to make a difference. This group has done that through practical projects targeted at local needs and opportunities, founded on principles of partnership, learning, self-help, person-to-person interaction and mutual respect.

Please join with me in congratulating Farmers Helping Farmers on their progress thus far, and in wishing them well in their future work.

NOVA SCOTIA

HALIFAX SNOW STORM

Hon. Terry Mercer: Honourable senators, I rise today to commend the efforts of the Halifax Regional Municipality's employees, business community, all federal and provincial agencies and the many volunteers who devoted their time and efforts to make emergency relief operations possible over the past several days.

• (1410)

Still grappling with mountains of snow from Thursday's crippling blizzard, the citizens of Halifax have been steadfast in their efforts to return the city to normal operations.

In the wake of the most damaging blizzard in Nova Scotian history, a strong community spirit remains among those affected. It is often said that crisis can bring out the best in people. There are many shining examples throughout Halifax and, indeed, the entire province, of perseverance and the strong work ethic that characterizes so often the people of Nova Scotia.

As a former member of the Halifax Civic Workers Union CUPE Local 108, I understand the stress and responsibility that many city workers undergo in times of emergency. Tireless efforts to clear and remove snow from the hundreds of kilometres of roads and sidewalks are worthy of our praise, admiration and, certainly, our gratitude.

Honourable senators, I want to personally thank all the workers and volunteers in my proud Nova Scotian home who have stepped up during this hard time and have tried to bring back some normality to the lives of everyone affected.

To the vast group of city workers, every organization involved with the emergency relief efforts, and, most importantly, the dedicated Nova Scotians who have endured a constant state of upheaval over the past several days, I offer my profound congratulations on a job well done.

Hon. Senators: Hear, hear!

THE LATE ANGELA VECCHIO-OZMON

Hon. Ethel Cochrane: Honourable senators, I rise today to pay tribute to a great Canadian, Angela Vecchio-Ozmon, who passed away on Thursday at the age of 39. Diagnosed with breast cancer

at just 34 years of age, the Nova Scotia mother of two allowed CBC *Newsworld* to document her fight against cancer. Thousands of Canadians from across this country followed her progress through surgeries, chemotherapy, radiation and the many unexpected ups and downs. However, hers was not the story of a cancer victim, rather the story of a young, vibrant woman living a full life despite cancer.

Her condition remained stable until last March, when test results showed that the cancer had spread. "How can I look good and be so sick?" she asked her doctor at that time. In a world of television stories with happy endings, it was the question on all of our minds. We shared her disbelief.

When pain and fear would stop most of us from living, Angela trudged on, never faltering in her resolve to beat the disease. Throughout it all, that unstoppable spirit remained. She refused to give in; she simply would not give up. Neither did she allow cancer to stop her from living life and enjoying ordinary exchanges with family and friends.

Her message was simple yet powerful. She ardently believed that early detection and intervention made a world of difference in the fight against cancer, and she was an advocate of regular breast examinations.

In a situation that would cause many of us to become bitter and ask why, somehow Angela was always uplifting. She recently told a friend, "You know how great it is when you stick your hand in a pocket and find money, like a \$20 bill you didn't know was there? Well, that's how time has been for me lately." These were exactly her words. That statement was very typical of Angela's optimism and her sense of gratitude.

She once said, "If I can inspire somebody to make some sort of positive change in their lives, then I have accomplished my mission." Well, she has accomplished this and more in a measure that I am certain far exceeded her wildest dreams.

Honourable senators, my heart — and I know those of thousands of other Canadians who were touched by Angela's deeply personal story — goes out to her family and friends. To each of them, but especially to her two children, Emma and Griffin, I offer my sincere condolences. Like many Canadians, I feel fortunate to have been privy to her journey, and while we grieve her loss, we know she is finally at rest.

Honourable senators, I leave you with the words of Joe Jacobson from *The Chronicle-Herald*, who said it so well:

Angela Vecchio-Ozmon will be missed terribly by her family but also by those of us who recognize how a spirited approach can make life better for us all.

Hon. Senators: Hear, hear!

[Translation]

ROUTINE PROCEEDINGS

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY FRENCH-LANGUAGE BROADCASTING IN FRANCOPHONE MINORITY COMMUNITIES

Hon. Jean-Robert Gauthier: I give notice that on Wednesday, February 25, 2004, I will move:

That the Standing Senate Committee on Official Languages be authorized to examine and report by March 31, 2004, upon the measures that should be taken to encourage and facilitate provision of and access to the widest possible range of French-language broadcasting services in francophone minority communities across Canada, as set out in the Canadian Radio-television and Telecommunications Commission (CRTC) report entitled "Achieving a Better Balance".

SOCIO-ECONOMIC IMPLICATIONS OF DECREASING POPULATION

NOTICE OF INQUIRY

Hon. Marie-P. Poulin: Honourable senators, I give notice that, on Wednesday, February 25, 2004:

I will call the attention of the Senate to the fact that the 2001 census results, published in 2003, show that the Canadian population is decreasing in many regions across Canada and that this trend has short- and long-term socio-economic implications.

OFFICIAL LANGUAGES

BILINGUAL STATUS OF CITY OF OTTAWA—PRESENTATION OF PETITION

Hon. Jean-Robert Gauthier: Honourable senators, pursuant to rule 4(h), I have the honour to table, in this chamber, a petition from 42 persons asking that Ottawa, the capital of Canada, be declared a bilingual city, reflecting the linguistic duality of the country.

The petitioners ask Parliament to consider the following points:

That the Canadian Constitution provides that English and French are the two official languages of our country and have equality of status and equal rights and privileges as to their use in all institutions of the Government of Canada;

That section 16 of the Constitution Act, 1867 designates the city of Ottawa as the seat of government of Canada;

That citizens have the right in the national capital to have access to the services provided by all institutions of the Government of Canada in the official language of their choice, namely, English or French;

That Ottawa, the capital of Canada, has a duty to reflect the linguistic duality at the heart of our collective identity and characteristic of the very nature of our country.

Therefore your petitioners ask Parliament to confirm in the Constitution of Canada that Ottawa, the capital of Canada, is officially bilingual, pursuant to section 16 of the Constitution Act, from 1867 to 1982.

[English]

QUESTION PERIOD

TREASURY BOARD

STATE OF MINISTERIAL RESPONSIBILITY

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, on the weekend, the President of the Treasury Board reportedly stated that the hallowed doctrine of ministerial responsibility that Canada's parliamentary democracy is built upon is broken. Does the Leader of the Government in the Senate agree with his colleague?

Hon. Jack Austin (Leader of the Government): Honourable senators, I am sorry, but I did not see the statement.

• (1420)

[Translation]

SUPREME COURT

SELECTION PROCESS OF JUDGES

Hon. Gérard-A. Beaudoin: Honourable senators, following the appointment of Madam Justice Louise Arbour to the United Nations High Commission for Human Rights, the Prime Minister will have to appoint a judge to the Supreme Court of Canada. Such appointments are his responsibility under the Constitution. However, for some time now there has been talk of changing the process. Some are suggesting that Parliament should be involved, but there are other possibilities also.

My question is the following: Does the Government of Canada intend to involve the Senate or Parliament, as is the practice in the United States, or is it considering using a different process?

Former Justice Gérard LaForest, on his departure, suggested a new process. The Chief Justice of Quebec, Michel Robit, is also in favour of a different process. Is the Government of Canada interested in changing the process for filling such an important position?

[English]

Hon. Jack Austin (Leader of the Government): Honourable senators, with respect to the vacancy on the Supreme Court of Canada, which is the subject of the honourable senator's inquiry, the government intends to ask parliamentary committees, both in the House of Commons and in the Senate, to consult with one another, either formally or informally, to consider what an appropriate process might be to permit a parliamentary discussion with a proposed candidate for appointment to the Supreme Court of Canada.

I shall answer the question in a slightly different way. First, we intend to go forward with a consultation process involving members of the appropriate committees in the House and in the Senate regarding an appropriate method of proceeding. Following that, the government will indicate its choices.

Clearly, it is not the intention of government — nor, I hope, parliamentarians — to make the process of nominating a person to become a judge of the Supreme Court of Canada into a partisan or political wrangle.

What should be the criteria for a consultation? It is recognized that an appointment to the Supreme Court of Canada is an important appointment. The person who is appointed will have a large influence over the development of the legal framework of Canada. Parliament's role in the choice of that person must be such that there is no attempt to blend the independence of the judiciary with the role of the legislator.

[Translation]

Senator Beaudoin: My question, of course, does not in any way imply that the new process ought to be more political. I think that we in Canada must retain a judiciary that is totally independent of the executive and legislative branches. Two judges as high-profile as Justices Gérard Laforest and Michel Robert have said publicly — a first in Canada's history — that our process ought perhaps to be changed. I hope it will not become more political or partisan. That, I believe, would be a terrible mistake. It is essential that we find a formula that respects the independence of the judiciary, the basis of our democracy and our system. All that I am asking is that consideration be given to a process involving others, but the decision must not be left to the legislative branch. I would rather not see an American-style system; in the U.S., if the Senate does not accept the president's choice, then that person is not appointed, and we know where that can lead. I believe that the government is prepared to give some thought to this when a judge leaves.

[English]

Senator Austin: Honourable senators, the members of the two parliamentary committees to which I referred have it within their scope of reference to recommend a process entirely outside Parliament, if they so wish. The process will be one in which they will be consulted as to the best format for an impartial and objective examination of the candidate.

Hon. Lowell Murray: Honourable senators, will the government leader exclude from consideration the possibility of bringing nominees to the Supreme Court of Canada before a parliamentary committee, thereby involving them in what could easily become something close to the circus that we have seen in another country?

Senator Prud'homme: Hear! Hear!

Senator Murray: Will the Leader of the Government in the Senate not agree that under our system we should recognize that the executive has the right to appoint judges? The two elements that should be considered are as follows: First, the responsible minister, whether it is the Prime Minister or the Minister of Justice, should attend before the requisite parliamentary committees to elaborate on the qualifications of the person to be appointed and to defend the appointment before the committee; and second, either or both Houses of Parliament should be given an opportunity to express an opinion on the proposed appointment, if they see fit.

Senator Austin: Honourable senators, no method of review is excluded. I shall move Senator Murray's suggestion to the table of discussion.

Hon. Marcel Prud'homme: Honourable senators, I have a supplementary question.

[Translation]

Honourable senators, I think there are few other countries in the world who could be as proud of their system of appointing judges as we are of ours. We have an excellent system, one that has led us toward an independent judiciary. I cannot understand how, in the name of a so-called democratization of our institutions, anyone could attack a position as important as Supreme Court justice by throwing it out to a parliamentary committee. I am certain that the better elements, those who might well be considered for Supreme Court justices, would recuse themselves rather than take part in such a public spectacle, having to answer questions before even being faced with a situation they would have to judge.

We have always had an excellent judiciary system. All that we ask of appointees is that they possess good judgment. If they do not share my opinions, or those of Senator Rompkey, that is quite another thing. We do not owe anyone any apologies for the system we have at present, which has equipped us with an excellent judiciary system. I have concerns about our wanting, in the name of some sort of democracy, to pass off to another level that is a parliamentary committee, possible judicial appointments

The appointment of Madam Arbour is an international appointment.

[English]

An Hon. Senator: Question!

• (1430)

Senator Prud'homme: Some of you start saying "No preliminary" every time there is a long preamble, including Senator Angus.

In a nutshell, will the leader ensure that there will be more consultation and debate here in the Senate? I am sure Senator Beaudoin and I, and others, would join in such a debate in the Senate. Should we believe that there will be that kind of a debate? Could we also be assured that there will be ample discussion before such a decision is made? We know we are bound to have two nominations to the Supreme Court before Christmas of this year.

Senator Austin: Honourable senators, the whole process at the moment is one of consultation in which the Senate will be involved through, probably, the membership of the Standing Senate Committee on Legal and Constitutional Affairs. The model of the practice in the United States is not necessarily one that would almost automatically come to mind in the case of a parliamentary committee or joint committee, let us say, dealing with the nomination of a judge to the Supreme Court of Canada. I am a little less uncomfortable with the sense of responsibility that members of this Parliament would show. I believe they understand the dignity of the office with which they would be dealing and would focus on questions not of a partisan kind but questions that really deal with the nature of that high office, and of the individual who has been designated to be there.

On the other hand, as senators have noted in Question Period, it may not be the wish of parliamentarians to have a parliamentary process. Perhaps a peer group process would be more appropriate, or a group of citizens appointed particularly for that process. However, the neat point is that a consultation process is about to begin, and I cannot see a reason why, after the consultation process is underway, the Senate should not consider what the conclusions of that process are and whether they are satisfactory.

Hon. A. Raynell Andreychuk: Honourable senators, I am rather confused. The Prime Minister said that Parliament would be involved in the process of selecting judges. He then said no, and now the Leader of the Government is saying that there is such a process involving parliamentarians.

Would the Leader assure us that the process involving parliamentarians would be to discuss the best process, at arm's length, and the most independent way in which to choose judges, without bringing forward names to Parliament? You cannot expect Parliament to get pass up a political debate. I hope and plead that that would be the process and the system.

Senator Austin: Honourable senators, Senator Andreychuk has said it in a very neat way. Her statement is what I was trying to say.

AUDITOR GENERAL

SPONSORSHIP PROGRAM TIMING OF RELEASE OF REPORT

Hon. W. David Angus: Honourable senators, the Minister of Public Works acknowledged yesterday on national television that the executive branch of government was presented with the Auditor General's report back in mid-October, 2003, which was perhaps two or three weeks before the prorogation of Parliament on November 12. Can the Leader of the Government in the Senate please tell us, first of all, the exact date that the Auditor General's report was made available — I notice on the front of that report that it has the date, November 2003 — the exact date that the government received the report, and the exact date that Mr. Martin's transition team was made aware of its contents? Finally, on what date officially did Mr. Martin, as Prime Minister, become aware, if he was not already aware by December 12, of the contents of that report?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will take notice of the question and try to provide an answer tomorrow.

TREASURY BOARD

AUDITOR GENERAL'S REPORT SPONSORSHIP PROGRAM—INVOLVEMENT OF HEADS OF CROWN AGENCIES

Hon. W. David Angus: If I may, honourable senators, I have a supplementary question. It appears that on the very first day that Mr. Martin became Prime Minister, the sponsorship program was terminated, which to me is pretty persuasive evidence that the Martin government and his people already knew about this terrible report and the allegations contained in it. A few days later, the honourable ambassador to Denmark, Mr. Gagliano, was recalled, and yet nothing was done with respect to the heads of the Crown corporations who, according to the press, are to be disciplined in some fashion that will be announced tomorrow.

Could the honourable Leader of the Government tell us why the Crown corporation leaders were not dealt with back in December in the same fashion as the others were?

Hon. Jack Austin (Leader of the Government): Honourable senators, I have said in the chamber, in answer to a previous question, that the President of the Treasury Board was instructed by the Prime Minister to meet with the heads of the Crown corporations to discuss issues that were raised in the Auditor General's report with respect to the conduct of Crown corporations, and to report back to the Prime Minister. For that reason, up until today, no further steps have been taken. Whether further steps are warranted or may be taken is something we will have to leave to another time.

Senator Angus: Can the leader advise honourable senators what new information, if any, has come to light that would warrant dealing with this matter now rather than dealing with it earlier on when these other steps were taken?

Senator Austin: I have not received or been made aware of any part of the report of the President of the Treasury Board to the Prime Minister, if indeed such a report has already been made.

Senator Angus: Will the minister obtain that information for us?

Senator Austin: The honourable senator will probably read about it in the newspapers before I have the information.

Senator Angus: Or on the TV in the office.

NATIONAL DEFENCE

UNITED STATES—PARTICIPATION IN MISSILE DEFENCE SYSTEM—EFFECT ON POLICY AGAINST WEAPONIZATION OF SPACE

Hon. Douglas Roche: Honourable senators, I am sure the Leader of the Government in the Senate will have seen *The Globe and Mail* today, the main headline of which is "Canada may host U.S. missiles," and the subhead being, "Canada shifts on defence shield, willing to offer land instead of cash to Washington." The story quotes the Minister of Defence, Mr. Pratt, as saying that there are discussions with Washington underway to station on Canadian soil components of the missile defence system.

I would ask the minister what comment he has to make about this matter. Has the government considered that many Canadians will be outraged at the prospect of putting anti-missile sites on Canadian soil, thereby making Canada a target and making us directly complicit in the U.S. plans to put weapons in space. Such plans were confirmed, coincidentally, only a couple of days ago by the U.S. Air Force, which has unveiled its plan to put weapons into orbit and destroy the satellites of other countries as part of a strategy that views outer space as dominated by America and its allies?

I ask the minister, will the government finally understand that ballistic missile defence is about space, and for Canada to sign on to the initial ground-based system is to commit us to supporting weapons in space?

• (1440)

Hon. Jack Austin (Leader of the Government): Honourable senators, I have seen today's newspaper reports on comments made by the Minister of National Defence with respect to the land- and sea-based missile defence program that the United States is now discussing with Canada. I thought the Minister of National Defence was very cautious vis-à-vis making any commitment.

From what I could see, the minister was saying that, with respect to any establishment on Canadian soil, the matter was neither ruled out nor ruled in. Further, he was totally unambiguous about Canada playing any role in any proposed U.S. space-based missile program, saying that Canada would not do so and that Canadian government policy has not changed in any way in that respect.

The conclusion that being a participant in land- and sea-based missile defence in some form that is far from being defined would

lead inevitably, necessarily and without exception to participation in a space-based missile program is not accepted by the Government of Canada.

Senator Roche: Honourable senators, the problem is that the plans to move a ballistic missile defence system into space are solid plans by the United States. As I pointed out to the government leader last week, there are sufficient occurrences on this subject to merit a full debate in the Senate. The House of Commons debated this issue twice last week — an indication of its importance — once on a government-sponsored motion and once on an opposition motion. Nevertheless, the Senate, an integral part of Parliament, is to date still deprived of debating this extremely important subject.

UNITED STATES—PARTICIPATION IN MISSILE DEFENCE SYSTEM—AUTHENTICITY OF POLLS

Hon. Douglas Roche: Honourable senators, this is my day for quoting from newspapers. I quoted from *The Globe and Mail* a moment ago. I now wish to quote from the *National Post*, not usually a newspaper from which I quote.

A few days ago, the *National Post* carried a story stating that, according to a poll, 64 per cent of Canadians supported Canada's participation in missile defence. This poll was conducted by POLLARA. Mr. Michael Marzolini, the Chairman and CEO of POLLARA, informed me that there was no such question on the POLLARA poll. Rather, there was a question that asked this: Do you agree that Canada should fully participate in the new military command structure, NORTHCOM, to look after the security of all North America? That question is completely separate from missile defence, which is not even mentioned in the question. Nevertheless, this erroneous information about a so-called poll has been quoted around the country.

My question for the Leader of the Government in the Senate is this: Will he look into this matter and give us his view as to the authenticity of this poll and, perhaps, others about which he might be aware?

Hon. Jack Austin (Leader of the Government): Honourable senators, I do not know that there is any validity in my chasing polls. However, I shall try to find out the facts from the Department of National Defence.

PUBLIC WORKS AND GOVERNMENT SERVICES

AUDITOR GENERAL'S REPORT—SPONSORSHIP PROGRAM—INVOLVEMENT OF LAFLEUR COMMUNICATIONS MARKETING

Hon. Marjory LeBreton: Honourable senators, in the report on the sponsorship scandal, the Auditor General details how the RCMP received sponsorship money. On pages 19 and 20 of Chapter 3 of her report, the Auditor General outlines how the Communication Coordination Services Branch paid Lafleur Communications Marketing almost \$200,000 for work contracted to a company called Publicité Dèzert. The subcontract was given without a competition and CCSB never questioned the relationship between the two companies.

Can the Leader of the Government in the Senate confirm that Publicité D  zert is headed by Eric Lafleur, son of Jean Lafleur, then president of Lafleur Communications Marketing? Will the public inquiry be able to discover if there are other family business deals associated with the sponsorship program?

Hon. Jack Austin (Leader of the Government): Honourable senators, I have no information to that specific question. However, I would imagine that whatever is in the Auditor General's report is based on fact. The investigations that are underway in the Public Accounts Committee can go where they will, subject only to the laws of privacy of Canada.

**AUDITOR GENERAL'S REPORT—SPONSORSHIP
PROGRAM—INVESTIGATION OF COMPLAINTS
DISMISSED BY ETHICS COUNSELLOR**

Hon. Marjory LeBreton: Honourable senators, in January 2002, Jon Grant, the former President of Canada Lands Company Limited, complained that former minister Alfonso Gagliano pressured him to hire friends and Liberal organizers of Crown corporations. Ethics Counsellor Howard Wilson dismissed the complaints because the current guidelines overseeing cabinet ministers and Crown corporations were not in place at the time.

This is not the first time Mr. Wilson absolved Mr. Gagliano. He also dismissed complaints that Groupaction and Groupe Everest had subcontracted federal contracts without competition to a printing business that employed Mr. Gagliano's son.

Can the Leader of the Government tell us if the public inquiry will also investigate these complaints that were so quickly dismissed by the Ethics Counsellor?

Hon. Jack Austin (Leader of the Government): Honourable senators, the public inquiry will go where the public inquiry wants to go.

NATIONAL REVENUE

**NOVA SCOTIA—WINTER SNOW STORM—
DELAY IN FILING FOR REGISTERED
RETIREMENT SAVINGS PLANS**

Hon. Wilfred P. Moore: Honourable senators, my question is for the Leader of the Government in the Senate. As my colleagues are well aware, over the last few days, Nova Scotia, in particular the city of Halifax, has been hit heavily with a tremendous winter storm, receiving some 95 centimetres of snow — a record — and winds of 100 kilometres per hour. As a result, honourable senators, commercial transacting in Halifax has ground to a halt.

Halifax is the commercial hub of activity in the Atlantic Provinces. As the government leader knows, the Registered Retirement Savings Plan season is upon us. Given that a number of people normally wait to the last week to do their transacting, would the government leader ask his cabinet colleague, the

Minister of National Revenue to extend to Friday, March 5, 2004, the time for Nova Scotians to make contributions to their RRSPs?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will do so.

TREASURY BOARD

PROTECTION OF WHISTLE-BLOWERS

Hon. Jean-Robert Gauthier: Honourable senators, my question is directed to the Leader of the Government in the Senate. It deals with whistle-blowing, an issue that has been before us for some time now.

Recently, in the other place, the Public Accounts Committee was told that it is the President of the Treasury Board who spoke for whistle-blowers in the public service and that he was ready to extend protection to public servants who would break the rules or were knowledgeable in that matter.

In January of this year, we were told that there was a report tabled by a working group to the President of the Privy Council concerning whistle-blowers, that the president was working on some legislation at that time and that he would present a draft bill to this house before March 30. Who is speaking for this issue of whistle-blowing in the public service? Is it Treasury Board or Privy Council? It is important because the distinction had to be made in the Official Languages Committee about a month ago when there was the same confusion. Can the minister explain, please?

Hon. Jack Austin (Leader of the Government): Honourable senators, with respect to process, until the time that the legislation is dealt with by Parliament, it will be the President of the Treasury Board who will speak with respect to the practice of protecting so-called whistle-blowers who have evidence to give with respect to the breach of the Financial Administration Act or other rules and regulations of government or any other malfeasance.

Indeed, the President of the Privy Council is responsible for preparing the legislation. As to who will be responsible for the administration of the legislation when and if Parliament finally enacts it, I cannot currently advise.

• (1450)

ORDERS OF THE DAY

PARLIAMENT OF CANADA ACT

**BILL TO AMEND—SECOND READING
POINT OF ORDER**

On order No. 5:

Second reading of Bill C-4, to amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer) and other Acts in consequence.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise on a point of order concerning the calling of Bill C-4. The bill must be returned to the other place for appropriate corrections or amendments before this chamber can consider them. This chamber received the bill on February 11, 2004, when it was given first reading. The cover of the bill — if honourable senators will take their copy from their bill loose-leaf in their desks — states clearly that the bill is a reprint of a corresponding bill in the previous session. In this case, that bill was Bill C-34. The box on the front cover of Bill C-4 reads:

Reprint of Bill C-34 of the Second Session of the Thirty-seventh Parliament, as adopted by the House of Commons at Third Reading on October 1, 2003.

Honourable senators, the problem is that this bill is not a reprint of Bill C-34. Why is it not a reprint, as erroneously indicated on the cover page? It is because one of the clauses has been changed in Bill C-4, and I call the attention of honourable senators to clause 12. Clause 12 in the older bill, Bill C-34, reads as follows:

19(2) In addition to any method of service permitted by the law of a province, service of documents on the Senate, House of Commons, Library of Parliament, office of the Ethics Commissioner or office of the Ethics Commissioner under subsection (1) may be effected by registered mail, whether within or outside the province, or by any other method prescribed.

That is the wording, word for word, in Bill C-34, and we are told that Bill C-4, now before us, is an exact copy.

If honourable senators look at clause 12 of Bill C-4, it reads:

19(2) In addition to any method of service permitted by the law of a province, service of documents on the Senate, House of Commons, Library of Parliament, office of the Senate Ethics Officer or office of the Ethics Commissioner under subsection (1) may be effected by registered mail, whether within or outside the province, or by any other method prescribed.

Honourable senators, we note that in Bill C-34 "office of the Ethics Commissioner" was repeated twice, while in Bill C-4, the phrase "office of the Senate Ethics Officer" was substituted.

As well, honourable senators, if one looks at the electronic versions of Bill C-4, we will see further confusion. The HTML version of Bill C-4 appears exactly as Bill C-34 as passed by the House of Commons. However, in the PDF version, which looks like the printed copy of the bill, the substituted words of "office of the Senate Ethics Officer" appear.

My point, honourable senators, is that this bill before us is not a reprint of Bill C-34. Rather, it has been amended by someone and not amended by the House of Commons because the House of Commons passed the bill in all stages in one fell swoop. Members

of Parliament did not see the bill printed before it was sent to the Senate because they used the reinstatement method and they just swished it over here. They tell us that Bill C-4 is a reprint. It is not a reprint. Someone has amended it.

I point out to honourable senators that the house leader in the other place, Mr. Saada, stated in the chamber the following:

Mr. Speaker, pursuant to the special order made previously, I would like to inform the House that this bill is in the same form as Bill C-34 was in the previous session at the time of prorogation.

Honourable senators, it would appear that that is not exactly the situation. At any rate, by sending us a bill that states it is a reprint of a bill already passed is not accurate, and I would assert that this bill must be returned to the other place.

If one looks to the parliamentary literature in relation to these matters, I draw the attention of honourable senators to citation 633 of Beauchesne's sixth edition, page 194, which, under the heading "Marginal Notes," states:

(1) The marginal notes, short titles of clauses and the headings of parts of a bill do not form part of the bill and, therefore, are not open to amendment.

(2) The Law Clerk and Parliamentary Counsel is responsible for marginal notes and headings, pursuant to Standing Order 156.

If the note on the cover of the bill is in effect a marginal note, I would suggest that the remedy is to return the bill to the other place for correction.

On the other hand, it is possible that the note on the cover of the bill is in the nature of an explanatory note. Turning once again to Beauchesne's sixth edition, on the same page, at citation 632, we read the following:

Explanatory notes, though technically not part of the bill, are printed on the page opposite to the relevant clause. A Member may prepare explanatory notes which should be brief and contain nothing of an argumentative character of the contents and objects of the bill.

If the note on the cover is an explanatory note, it does contain something of an argumentative character, and that is the claim that the bill is a reprint, because clearly it is not.

To recapitulate my point of order, the bill before us claims to be a reprint. It is not, in light of the amendments made to it. I have questions about all of this. The remedy I commend to honourable senators and to His Honour is simple and straightforward namely, to return the bill to the other place to have the offending words replaced with something that more accurately reflects the true state of affairs, or even to simply remove them.

• (1500)

Insisting now upon our right to have an accurate statement on the face of the bill ought to ensure that a repetition of this situation will not occur in the future. For greater certainty, or for the precise change, I would direct the focus of honourable senators to clause 12 of the bill.

Hon. Jack Austin (Leader of the Government): Honourable senators, I invite the Honourable Senator Carstairs to rise on the point of order because she was the Leader of the Government when this bill was originally introduced. It is my understanding that this was a technical matter that was corrected by the officers of both Houses, and that this is entirely within the scope of normal procedure. There is no substantive matter requiring change in this instance and both Houses corrected the bill in the course of its examination.

I cannot imagine that this is anything other than an attempt to stall at second reading. It is truly quite surprising that the opposition and Senator Kinsella are not willing to proceed with the establishment of a Senate ethics officer. I am curious to know whether they have concern about the question of ethics, especially given the questions they have been asking in Question Period. It seems to me that there is an enormous difference in attitudes.

Senator Stratton: You are ethical? You are calling yourself ethical?

Senator Austin: On the technical point of order, I say to honourable senators that there is no issue of any kind or substance that the bill is as reprinted, and that the change made was of a minor character that is well within the purview and province of Senate and House practice.

Some Hon. Senators: Hear, hear!

Hon. Lorna Milne: Honourable senators, I would point out that this error was noticed when the bill came before the Rules Committee in the previous session of this Parliament. It was considered to be a parchment error, and we had testimony from the Law Clerk of the Senate that it was indeed a parchment error. We also had written agreement from the Law Clerk of the House of Commons that the error should be corrected. The law clerks were instructed to correct this error in the normal course of events. This was recognized as a parchment error and was properly corrected.

Hon. Sharon Carstairs: Honourable senators, I rise on this point of order because I do not think it is a point of order.

Honourable senators, the other side would have a legitimate point if there were a material change in the bill that was presented last week in this place to the bill that was presented in the previous session. However, the members of the Rules Committee unanimously agreed that this was not a substantive or material change. As honourable senators are aware, throughout the bill one name is the ethics officer and the other is the ethics commissioner. In this particular section of the bill, the incorrect

word has been used in respect of the Senate ethics officer. To argue at this stage that the bill is improper in its appearance before us is specious, and is not a legitimate point of order.

Hon. Joan Fraser: Honourable senators, I agree with honourable senators on this side that this is not a point of order. I would observe that when parchment errors have been detected, the Table Officers put them through a rigorous screening. Once the Table Officers of both chambers have concluded that a parchment error exists, they correct it and it never comes back to either chamber for a vote. That is why there is such rigorous screening of it in the first place — to ensure that it is truly a misprint that can be corrected without in any way affecting the intent of the bill. They never come back to the chambers. Most of us have been in committees where parchment errors were discovered, although they do not happen frequently. They never have to be referred back to either chamber for validation. The Table does correct the error and that is it. In my opinion, this is not a legitimate point of order.

Senator Austin: Honourable senators, the point is that the House of Commons told the Senate that they have passed Bill C-4. I do not believe that this chamber has the right to question the procedure of the House of Commons, any more than they have the right to question our procedure. We must take the bill as it is represented.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, if I may, briefly, this has nothing to do with parchment errors, technical errors or honest mistakes. Rather, this has to do with the fact that the House of Commons has informed us that Bill C-4 is an exact replica of Bill C-34, and yet we have found an instance where it is not an exact replica. There may be other areas of the bill that are not exact replicas of the former bill. The question is that simple. There are inaccuracies because Bill C-4 is not, word-for-word, the same as Bill C-34 was. It has nothing to do with parchment errors or a word used by mistake.

While I am on my feet, to challenge a bill on a technicality is not a questioning of one's ethics. If the Leader of the Government wants to challenge my ethics, he might also want to turn to senators on his own side and ask the 20 of them who voted against Bill C-34 last fall just what their ethics are about.

The Hon. the Speaker: Honourable senators, does any other senator wish to intervene?

The concluding comment is Senator Kinsella's.

Senator Kinsella: Honourable senators, the point is that —

Senator Robichaud: The point is that there is no point!

Senator Kinsella: — we have before us a reprint that has nothing to do with the issue of parchment errors. I am well aware of the practice of dealing with parchment errors, when they occur. This is not a parchment error.

In this instance, we are told that this is a reprint of Bill C-34 of the Second Session, and I am saying that it is not a reprint but something else. I agree with Senator Austin that the way in which they conduct their affairs in the other place is their business. However, we cannot ignore the fact that the Bill C-4 that is before this house was reinstated under a special provision, and the other place fast-tracked it through. The House of Commons did not even look at the bill but simply passed it and sent it to the Senate, saying that it is a reprint of Bill C-34. We have a problem with the word "reprint." The error is there for all to see. It is a *prima facie* case, and this matter will have to be dealt with so that the bill may be properly debated and honourable senators may take judgment upon it. Otherwise, there is no knowing what this chamber is dealing with.

Had this been a parchment error, that would have been one thing, but it is more than that — it is a serious reprint error. We have been told something that is not true and we cannot ignore the fact that this bill was reinstated in the other place and sent to this chamber. They did not look at it at all.

The Hon. the Speaker: Honourable senators, there have been citations and we should be certain that we are proceeding in accordance with our rules and practices. I will leave the Chair and Senator Pépin, the Hon. the Speaker *pro tempore*, will take the Chair while I consider this matter. I will return with a ruling today or tomorrow.

• (1510)

Hon. Bill Rompkey (Deputy Leader of the Government): If Your Honour needs time, perhaps we could have a short suspension while you deliberate on your decision. However, it would be preferable, for our part, to go ahead with the debate today once you have made your ruling.

The Hon. the Speaker: Well, perhaps that can be accommodated. It is now 3:10 p.m., and we have a vote at 5:30 p.m. It is up to honourable senators. If a request is made that we suspend the sitting —

Senator Milne: Suspend.

The Hon. the Speaker: — I can do so as Speaker. However, I would want to be sure that I had general agreement. If it is not objected to, then I will suspend the sitting and I will see what I can do with this ruling.

In any event, I will be returning to the Chair at a given time so that we are not wondering when to come back to the chamber. I certainly can make a decision on whether or not I can rule today within half an hour, so I will suspend the ruling, then, for approximately 30 minutes, to 3:45 p.m., if that is in order.

Senator Kinsella: I am afraid I do not think it is in order. If Your Honour is not ready to rule and wishes to take the matter under consideration, then you do so and we move on. However, if Your Honour decides that you want to leave the Chair and have the Hon. the Speaker *pro tempore* relieve you, that, too, is fine, but we will be moving on with the house business.

Senator Milne: Suspend.

Senator Rompkey: This is our house business, Your Honour, and we want to move on with this house business.

Some Hon. Senators: Hear, hear!

Senator Rompkey: We would ask you to give us a ruling so that we can move on with our house business.

The Hon. the Speaker: As I said, my interpretation of the rules is that, as Speaker, I can suspend the sitting. It is normally done in cases of disorder, I think, but I see no reason why the rule does not apply to this situation.

Whether the ruling can be done today or not, I do not know. As I indicated, I can be sure that I will know one way or the other by 3:45 p.m., so I will suspend the sitting until then. I will be back at 3:45 p.m.

Senator Kinsella: I would respectfully request of the Chair to indicate of us the rule under which Your Honour is operating.

The Hon. the Speaker: All right. Perhaps I could get some help from the Table — it would save a bit of time — to direct me to the appropriate rule. Is it number 18?

Senator Kinsella is right. It is only in cases of grave disorder where I am entitled to do suspend the sitting. Having had that pointed out, I think, then, that it is clear that the best way for me to proceed is to ask Senator Pépin to take the Chair. I will see what I can do.

THE SENATE

MOTION TO EFFECT WEDNESDAY ADJOURNMENTS ADOPTED

Hon. Bill Rompkey (Deputy Leader of the Government), pursuant to notice of February 18, 2004, moved:

That, for the remainder of the current session, when the Senate sits on a Wednesday it do adjourn no later than 4 p.m.; and

That, should a vote be deferred on a Wednesday until 5:30 p.m. the same day, the Speaker shall interrupt the proceedings at 4 p.m. to suspend the sitting until 5:30 p.m. for the taking of the deferred vote, and during that intervening period committees may meet.

He said: Honourable senators, with leave, I would like to modify the motion standing in my name, for which I gave notice on Wednesday.

The modifications are minor, and make the motion clearer and more precise. I would like to read the motion now as follows:

That, for the remainder of the current session, when the Senate sits on a Wednesday, it do adjourn no later than 4 p.m.; and

That, should there be a vote deferred until 5:30 p.m. on a Wednesday, the Speaker shall interrupt the proceedings at 4 p.m., prior to the adjournment, to suspend the sitting until 5:30 p.m. for the taking of the deferred vote, and during that intervening period committees may meet.

The Hon. the Speaker *pro tempore*: Honourable senators, is leave granted to make the change?

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[Translation]

COMMITTEE OF SELECTION

THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the Third Report of the Committee of Selection (membership change on Human Rights Committee), presented in the Senate on February 19, 2004.

Hon. Rose-Marie Losier-Cool moved that the report be adopted.

Motion agreed to and report adopted.

[English]

OFFICIAL LANGUAGES ACT

BILL TO AMEND—SECOND READING— ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Gill, for the second reading of Bill S-4, to amend the Official Languages Act (promotion of English and French).—(*Honourable Senator Stratton*).

Hon. Terry Stratton: Honourable senators, I would stand this Item No. 5. I want to review it with our caucus tomorrow morning, and I have said to Senator Gauthier — not directly, but indirectly — that there would be action taken in this regard this week.

Order stands.

LOUIS RIEL BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Gill, for the second reading of Bill S-9, to honour Louis Riel and the Metis People.—(*Honourable Senator Stratton*).

Hon. Serge Joyal: On a point of order, Your Honour. I know that this bill has stood under the name of Senator Stratton for about three weeks now. Of course, I do know the interest of Senator Stratton in this bill, since he spoke when it was introduced in the previous session.

May I, as we say in the language of the court, respectfully ask Senator Stratton when we may profit from his enlightenment on the debate of Bill S-9?

Hon. Terry Stratton: Honourable senators, I have two or three bills on my plate right now, as the honourable senator may or may not be aware. In the normal course of events in this chamber, we allow 15 days to respond. I would like to get some of those bills off my plate, and I will deal with this matter before the end of the 15th day, likely within the next week or so.

On motion of Senator Stratton, debate adjourned.

• (1520)

[Translation]

HAZARDOUS PRODUCTS ACT

BILL TO AMEND—SECOND READING

Hon. Yves Morin moved the second reading of Bill C-260, to amend the Hazardous Products Act (fire-safe cigarettes).

He said: Honourable senators, I have the honour of introducing Bill C-260, to amend the Hazardous Products Act, and having to do with fire-safe cigarettes.

This remarkable legislation will, if you adopt it, have an immediate impact on the health of Canadians, especially the least fortunate.

[English]

Bill C-260 will lead to the introduction in Canada of low-ignition-propensity cigarettes, also known as fire-safe cigarettes.

Honourable senators, I cannot think of another bill that will have such an immediate impact on the health and well-being of Canadians. It will save lives, prevent injuries and protect property.

Every year, 100 Canadians die in fires caused by cigarettes and more than 300 are seriously injured. The financial cost of cigarette fires in Canada is estimated to exceed \$100 million a year. Few injuries cause as much pain, disfigurement and handicaps as burns from these fires. Young children and older people who are less able to escape from the fire are among those most hurt by cigarette fires.

It is not surprising that fires started by cigarettes incur proportionately more fatalities than other fires such as those started by cooking equipment. The reason lies in the way that cigarette fires begin. When cigarettes come into contact with flammable products such as mattresses, bedding or upholstered furniture, they start smouldering and can continue undetected for some time before violently bursting into flames. Smoke and toxic gases from the smouldering material can render people unconscious, putting them at even greater risk of injury or death.

In 1998, the Ragoonan family of Brampton, Ontario lost three children in such a fire. Devastated by their loss, they approached their Member of Parliament, John McKay. Mr. McKay researched the subject and introduced, in 1999 — now five years ago — a private members bill to replace standard cigarettes with fire-safe cigarettes. At the time, this technology was not well known and there was widespread opposition to the bill. Mr. McKay doggedly kept his bill alive through successive sessions of Parliament.

This afternoon, it is fitting to pay tribute to our colleague, John McKay. For me, this is the perfect example of what a private member's bill should be. Mr. McKay's efforts exemplify the potential for a member of Parliament to make a real difference. Fortunately, Mr. McKay's refusal to give up paid off. Times have changed and opposition to fire-safe cigarettes has diminished, sadly because of continued deaths from cigarette fires.

In New York, for instance, a cigarette-induced fire in 1998 was responsible for the deaths of three firefighters — members of the Ladder Company 170 in Brooklyn. Legislation similar to that of Bill C-260 was passed in the state legislature and by June 24, 2004, all cigarettes sold in New York will have reduced ignition propensity.

We now face the same opportunity to prevent deaths and injuries in Canada. At the last session of Parliament, this bill was unanimously passed in the other place. The Minister of Health supports the bill. Health Canada has nearly completed its work on the technical aspects of the bill. Even some members of the tobacco industry are now supportive of the process.

There are many techniques available to significantly reduce cigarette's ignition propensity. They do not change the taste of the cigarette nor do they increase toxicity. One cigarette of this type has been on the market for some time, namely, the Merit brand, manufactured by Philip Morris in the United States. These cigarettes have concentric bands of ultra thin paper applied on top of traditional paper. These bands act as speed bumps to slow down the rate at which a cigarette burns. Other manufacturers are currently using other techniques.

Nonetheless, some members of the tobacco industry continue to oppose the legislation. Imperial Tobacco, the largest cigarette manufacturer in this country, has serious reservations concerning testing methods and the possibility of increased smuggling after passage of the bill.

I have reviewed the company's arguments carefully. I sincerely believe that they do not hold merit when compared to the prevention of death and injury that will result from the passage of the bill.

A number of methods have now been developed to test the relative ignition propensity of cigarettes. Health Canada has done a review of these techniques and has chosen the same test as New York — the ASTM standard E21 187-02B. Health Canada has tested 62 brands sold in Canada and only one — the More menthol brand — has passed the test. Health Canada has also been working on regulations prescribing the method and flammability standard to be used to test cigarettes. These regulations have now been completed.

Honourable senators, there is absolutely no reason to delay this bill any longer. Every week that passes while we are considering this legislation will see two more Canadians die from cigarette-induced fires. This is not the first time that we have seen this bill. It was introduced in the Senate on November 4, 2003, only to die on the Order Paper. Honourable senators, we must not let any more time pass. We must act quickly and decisively to move this bill to committee. Canadians expect no less from us.

Hon. Mira Spivak: Honourable senators, I am pleased to support this very sensible and practical bill. If we must have cigarettes, let them be fire safe cigarettes.

This bill is dealing with the accidents that can be caused by cigarettes. In the Standing Senate Committee on Energy, the Environment and Natural Resources, we studied extensively and in great detail the harm that cigarettes do when used as directed.

I thank Senator Morin for his efforts and his very complete summary of why we should support this bill.

I would move that the bill be referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I wish to participate in the debate on Bill C-260. I will not need the eight days that it has been on the Order Paper. I hope to speak to this matter, if not by the end of this week then at the beginning of next week.

POINT OF ORDER

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, on a point of order, I thought there was a motion before the house.

The Hon. the Speaker: If I could ask for patience from honourable senators, unfortunately I have been out of the chamber. I am not sure where we are on the Order Paper. Let me just clarify that before I hear the point of order made by the Honourable Senator Rompkey.

I have Senator Kinsella moving the adjournment of the debate. It is not a debatable motion, but Senator Rompkey is rising on a point of order.

• (1530)

Senator Rompkey: I thought I had heard Senator Spivak make a motion that Bill C-260 be referred to the Standing Senate Committee on Energy, the Environment and Natural Resources. If that is so, then there is a motion on the floor.

Senator Kinsella: There is already a motion on the floor.

The Hon. the Speaker: For there to be a motion on the floor, the motion must be put. Was the honourable senator speaking, or was she commenting on Senator Morin's speech?

Senator Spivak: I was speaking.

The Hon. the Speaker: I did not put the motion. Senator Kinsella rose to move adjournment of the debate, which is entirely in accordance with our practice.

Senator Kinsella's motion is the one that is on the floor. The reason we pause when motions are put is to ensure that we are not denying a senator the right to speak. Senator Kinsella's motion to adjourn may be turned down — I am not sure. In any event, that is consistent with the past practice.

It is moved by the Honourable Senator Kinsella, seconded by the Honourable Senator Stratton, that further debate be adjourned to the next sitting of the Senate.

Are senators ready for the question? Those in favour of the motion please say "yea."

Some Hon Senators: Yea.

The Hon. the Speaker: Those opposed, please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: I believe the "nays" have it, honourable senators.

Do you wish a standing vote? No. The motion is defeated.

Resuming debate. Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: I will put the question: It was moved by the Honourable Senator Morin, seconded by the Honourable Senator Gauthier, that this bill be read the second time.

Those in favour of the motion will please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed will please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the yeas have it.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Morin, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.

PARLIAMENT OF CANADA ACT

BILL TO AMEND—SECOND READING POINT OF ORDER—SPEAKER'S RULING

On order No. 5:

Second reading of Bill C-4, to amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer) and other Acts in consequence.

The Hon. the Speaker: Honourable senators, I was asked to make a ruling on Bill C-4. I left the chair and gave consideration to the questions that were raised by Senator Kinsella as to the orderliness of proceeding. I thank him and other honourable senators for their interventions.

I have considered the point of order. The conclusion that I have come to is that the note on the face of the bill which was quoted in full by Senator Kinsella, namely, as to the reprint of the bill, does not constitute a marginal note; rather, it is something on the face of the bill. I can only conclude, telling us what the House of Commons considers the document to be, namely, a reprint of Bill C-34 as adopted.

The question then comes forward in the point of order that the reprint of the bill contains what was treated as a parchment error in the previous disposition of the bill. The question is whether that would require the matter to be treated again as a parchment error or whether the bill should be referred back to the House of Commons for further deliberation and returned to this place.

My conclusion, in accordance with the interventions, is this: What the other place does is up to the other place, and they, in their deliberations, have decided to characterize the bill as they have, and it is within their purview to do so. Accordingly, it is in order to continue with debate on this bill.

Hon. Jack Austin (Leader of the Government): Honourable senators, I move second reading of the bill.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): We are well beyond Government Business. We would need to have unanimous consent to revert to Government Business.

Hon. Bill Rompkey (Deputy Leader of the Government): It is my understanding that Bill C-4 was neither stood nor adjourned, and I would ask now that we revert to the second reading of Bill C-4.

The Hon. the Speaker: Let me confirm where we are on the Order Paper. I believe we have, as indicated, gone past Government Business. If we are on Government Business and the matter were still before us, you could call it. If we have gone past Government Business, then it is no longer an option under our rules for the Deputy Leader of the Government or the Leader of the Government to call an item of Government Business.

I believe we have gone past Government Business; accordingly, we must proceed with the Order Paper.

Hon. Lorna Milne: A point of order: I would point out that according to the common procedure within this place, every single item that is on the Order Paper must be disposed of each day. This item has not been disposed of; therefore, I suggest we should go back to it.

Senator Kinsella: Where is the rule?

Senator Lynch-Staunton: That is the Milne rule.

The Hon. the Speaker: Does anyone else wish to intervene on this?

I have, in effect, already ruled on this, before the point of order. Because I now have a formal request for a ruling, I am making that formal ruling. We have moved past Government Business. Having moving past Government Business, the rule that would allow the government side, namely, the leader or the deputy leader, to call a government item has past in terms of the proceedings of the day.

Senator Rompkey: I ask for leave to revert to second reading of Bill C-4.

The Hon. the Speaker: Is leave granted, honourable senators?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: I have to deal with the request for leave first. According, honourable senators, is leave granted to revert to second reading of Bill C-4?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Leave is not granted.

Senator Lynch-Staunton: We have to abide by the rules. That is what the deputy leader said on Friday.

SCRUTINY OF REGULATIONS

REPORT OF JOINT COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Moore, seconded by the Honourable Senator Furey, for the adoption of the first report of the Standing

Joint Committee for the Scrutiny of Regulations (permanent order of reference and expenses re rule 104) presented in the Senate on February 19, 2004.—(*Honourable Senator Lynch-Staunton*).

Hon. John Lynch-Staunton (Leader of the Opposition): I have a question for the co-chair of this committee, Senator Hervieux-Payette.

• (1540)

[Translation]

It concerns your report. Did you move a motion to adopt the report? If you wish to do so, I shall ask a question and we can settle it all now. Move a motion to adopt your report.

In the report, it says that the committee seeks permission to sit at the same time as the Senate. It is in your report. I wonder if you are seeking a blank cheque or only making a recommendation, since it has been our practice that when a committee sits at the same time as the Senate, it requests special permission. But your report appears to say that if the report is adopted, we are giving you carte blanche to sit any time you choose.

Hon. Céline Hervieux-Payette: Honourable senators, in fact, we did not discuss this matter in depth. We begin meeting at 8:30 a.m. and generally finish around 10 a.m. I do not see how that can interfere with the business of the Senate. We never sit while the Senate is sitting.

Perhaps it was a standard clause added by the Clerk. We have never sat at any other time; we have always sat outside the time when the Senate sits. Is the honourable senator satisfied with my answer?

Senator Lynch-Staunton: I was surprised by this request. In order to avoid any confusion, you could suggest removing those words.

Senator Hervieux-Payette: Honourable senators, I have no problem with withdrawing the paragraph that mentions that the committee can sit at the same time as the Senate, since it has never happened. If the honourable senator is satisfied with this, and is ready to approve my report, I have no problem removing that clause.

[English]

The Hon. the Speaker: The mover of the motion was the Honourable Senator Moore. We could, through him, ask for consent to change, but he is not here.

Hon. Bill Rompkey (Deputy Leader of the Government): I will move the motion standing in Senator Moore's name.

The Hon. the Speaker: The motion has been moved. A question has been put and, as I understand the exchange Senator Hervieux-Payette has had with Senator Lynch-Staunton, Senator Hervieux-Payette has expressed agreement to a variation in the motion.

I am pointing out that, under our rules, a mover of a motion can request, with unanimous consent, leave to vary the wording of a motion. When I looked a moment ago, the Honourable Senator Moore was not here. He is here now.

Does Senator Moore wish to respond to this request for a variation in the motion? Perhaps Honourable Senator Hervieux-Payette can inform Senator Moore of where we are in our discussion of this item.

Senator Hervieux-Payette: Honourable senators, the report states, in part:

Your Committee further recommends to the Senate that it be empowered to sit during sittings and adjournments of the Senate.

I must confess that we did not discuss this paragraph in particular during the meeting. We discussed technical matters such as quorum. I do not mind removing that paragraph, if honourable senators agree to such a modification of our report.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: The variation to the motion is agreed to.

Are honourable senators ready for question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report, as modified, adopted.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET—REPORT OF COMMITTEE ON STUDY ON EMERGING ISSUES RELATED TO MANDATE ADOPTED

The Senate proceeded to consideration of the second report of the Standing Senate Committee on Energy, the Environment and Natural Resources (budget—study on emerging issues related to its mandate) presented in the Senate on February 19, 2004.—(*Honourable Senator Banks*).

Hon. Mira Spivak, for Senator Banks, moved the adoption of the report.

Motion agreed to and report adopted.

STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

MOTION REQUESTING GOVERNMENT RESPONSE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Fraser:

That, pursuant to rule 131(2), the Senate ask the Government to table a detailed and comprehensive response to the fourth report of the Standing Senate Committee on Official Languages, tabled in the Senate on October 1, 2003, during the Second Session of the Thirty-seventh Parliament, and adopted on October 28, 2003.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[*Translation*]

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

MOTION TO AUTHORIZE COMMITTEE TO STUDY CERTIFICATION OF PETITIONS TABLED IN THE SENATE—MOTION TO WITHDRAW ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Fraser:

That the Standing Committee on Rules, Procedures and the Rights of Parliament be authorized to examine, for the purposes of reporting by March 1, 2004, all Senate procedure related to the tabling of petitions in this Chamber in Parliament assembled, that a procedural clerk, having examined the form and content, certify the petitions in accordance with established standards and that follow-up be provided for in the Rules of the Senate,

And on the motion in amendment of the Honourable Senator Corbin, seconded by the Honourable Senator Maheu, that the motion be amended by deleting all the words after the word "That" and substituting the following therefor:

"the history of the practice in both the Senate and the House of Commons relating to petitions other than petitions for private bills, as well as the customs, conventions and practices of the two Houses at Westminster, be tabled in the Senate and distributed to the honourable senators before being referred to the Standing Committee on Rules, Procedures and the Rights of Parliament."

Hon. Jean-Robert Gauthier: Honourable senators, with the unanimous consent of honourable senators, I would like to withdraw this motion from the *Order Paper*. Let me explain. On February 10, I moved a motion asking the Standing Committee on Rules, Procedures and the Rights of Parliament to examine, for the purpose of reporting, all Senate procedure related to the tabling of petitions in this chamber, and also certain standards. We all know that, currently, there is no follow-up on the petitions tabled in the Senate. The motion asked that the committee report to the Senate by March 1, 2004.

I truly believed when I moved the motion on February 10, that there was enough time for a committee to review this issue since we had already examined it in 2002. The Senate Standing Committee on Rules, Procedures and the Rights of Parliament had even looked into the issue and tabled a 14th report in which a number of provisions had been proposed to ensure not only that there would be a procedure with respect to petitions in this house but that there would be follow-up. That is why I moved the motion.

Honestly, I thought there would be no resistance, but there has been. During the debate, Senator Corbin put forward an amendment. The amendment removed all the wording of my substantive motion and replaced it with other wording. This was difficult to accept because I did not think the new wording was clear. The Speaker took this under advisement and in his decision said the motion lacked clarity.

In order not to annoy anyone in this house, I will withdraw my motion. I am seeking unanimous consent to withdraw it because it is impossible for a committee to consider the issue seriously in one week and report to this house.

Since the date is March 1, I withdraw my motion, if possible.

Hon. Eymard G. Corbin: Honourable senators, I believe I am entitled to speak on the proposed amendment following the ruling the other day as to whether or not my motion in amendment was in order. The ruling suggested that there be a date for the production of the history I requested in my motion in amendment.

• (1550)

I do not see how Senator Gauthier can ask that his motion be withdrawn when we are dealing with a motion in amendment. I adjourned debate on my motion in amendment to comply with His Honour's advice. Senator Gauthier is violating the rules in asking that his motion be withdrawn. It is no longer his motion,

nor is it mine; this is a motion in amendment before the Senate. I intend to follow His Honour's advice and come back to this matter at a later date to amend, as he has recommended, the wording of the amendment as it appears in today's *Order Paper*.

I think that Senator Gauthier has completely missed the point in asking that his motion be withdrawn. All that remains of his motion is the word "That". The motion in amendment before us asks for the wording to be changed with the unanimous consent of the Senate. This cannot be done any other way. I do not need to present a new motion in amendment to the motion I presented. We could do this with unanimous consent.

I want to add that I could do this immediately, but the other day, Senator Gauthier reproached me for having presented my motion in amendment in just one language — French, my mother tongue. The *Rules of the Senate* permit me to do this, but since he is so sensitive about matters relating to the official languages, I will present a new motion, at the next sitting of the Senate, but without changing the substance of the amendment. I will do so in both official languages to please him, although this is unnecessary.

[English]

The Hon. the Speaker: Honourable senators, the request of Senator Gauthier for consent to withdraw his motion is not agreed to unanimously. Honourable Senator Corbin does not agree.

Senator Corbin, I do not know whether you had spoken before, whether you were speaking or whether you were commenting on the matter of leave. I believe you were commenting on the matter of leave.

Senator Corbin: I should have indicated at the outset.

[Translation]

Senator Corbin: I rose on a point of order. Senator Gauthier is not in order, because what we have before us is a motion in amendment and he addressed the motion in general, not the amendment.

[English]

The Hon. the Speaker: That may be. In any event, I do not need to go that far because leave was not granted even for the first stage of consent.

Is it agreed that the matter stand, honourable senators?

[Translation]

Senator Gauthier: Honourable senators, I would like to set the facts straight. First of all, I did not speak about the motion by Senator Corbin being defective. Senator Kinsella is the one who adjourned debate because the motion was in a single language. It was not I, Senator Corbin.

Second, I have always maintained that the amendment in question was irregular and unacceptable. You have told me that this was correct, on the procedural level. That I accept. But regardless of whether the main motion is withdrawn, or anyone moves that it be withdrawn, it will lapse next week at the beginning of March. It is impossible for the committee to meet and do what it needs to do within such a short period of time. If Senator Corbin wants to oppose, let him do so.

Senator Corbin: Honourable senators, I would not want what I said to be misinterpreted. As I said initially when I presented my motion in amendment, I am not opposed to this initiative. I merely want the Senate and the honourable senators to know what they are getting into when they change the *Rules of the Senate*. That is all. I was never opposed and I maintain that I have the right to speak in the language of my choice in the Senate, and that you have no say in that, Senator Gauthier.

[English]

The Hon. the Speaker: Honourable senators, I need go no further than to say that unanimous agreement was not forthcoming for Senator Gauthier's request. Is it agreed that this matter stand?

Hon. Senators: Agreed.

Order stands.

ABORIGINAL PEOPLES

MOTION TO ADOPT SIXTH REPORT OF COMMITTEE OF SECOND SESSION AND REQUEST GOVERNMENT RESPONSE—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Sibbeston, seconded by the Honourable Senator Adams:

That the sixth report of the Standing Senate Committee on Aboriginal Peoples, tabled in the Senate on October 30, 2003, during the Second Session of the 37th Parliament, be adopted and that, pursuant to Rule 131(2), the Senate request a complete and detailed response from the Government, with the Ministers of Indian Affairs and Northern Development, Justice, Human Resources and Skills Development, Social Development, Canadian Heritage, Public Safety and Emergency Preparedness, Health, and Industry; and the Federal Interlocutor for Métis and Non-status Indians being identified as Ministers responsible for responding to the report.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I wonder if I have understood this motion correctly. I understand the motion requires us to do two things: first, that our attention be drawn to the sixth report of the Standing Senate Committee on Aboriginal Peoples tabled in the Senate in October of last year; and, second, that we adopt it. In adopting this motion, we would be asking the government for a comprehensive reply.

I like the second half of the motion, but, in principle, once the Senate adopts reports, the government should be asked to reply. Some senators, while wanting to embrace that part of the motion, may have questions about the report.

Honourable senators, I simply point out that there are two issues. If Your Honour hears "yea" in answer to both parts of the motion, there is not a problem. However, those who say "nay" to one but "yea" to the other may be in a conflict.

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, in the absence of Honourable Senator Sibbeston, perhaps we could stand this item.

Hon. Eymard G. Corbin: Honourable senators, I believe Honourable Senator Kinsella was rising on a point of procedure or order, I do not know which. The matter relates more to procedure.

In my opinion, we can do in one shot what Honourable Senator Kinsella is suggesting we do in two steps.

Rule 131(2) of the *Rules of the Senate* states:

The Senate may request that the Government provide a complete and detailed response to a report of a select Committee, which has been adopted by the Senate if either the report or the motion adopting the report contains such a request...

In this case, contrary to the previous instance, the report does make that request; it asks for a government response. That is part of the text of the motion before us. Therefore, if we say "yea" to the motion before us, we concurrently adopt the report and at the same time make the request. That is how I read 131(2).

The Hon. the Speaker: Honourable senators, that is right and is subject to a ruling, as well.

• (1600)

The Deputy Leader of the Government has suggested that because it is Senator Sibbeston's motion, we should deal with it when he is in the Senate. Senator Kinsella has clarified the issue and correctly so, as has Senator Corbin.

Is it agreed, honourable senators, that we stand the motion until Senator Sibbeston is present in the chamber?

Hon. Senators: Agreed.

Order stands.

[Translation]

PRIME MINISTER'S TASK FORCE REPORT ON SENIOR CITIZENS

INQUIRY—DEBATE ADJOURNED

Hon. Marisa Ferretti Barth, pursuant to notice of February 11, 2004:

That she will call the attention of the Senate to the report of the Prime Minister's Caucus Task Force on Seniors.

She said: Honourable senators, on September 17, 2003, the former Prime Minister of Canada, the Right Honourable Jean Chrétien, announced the creation of a Liberal task force on seniors. This task force was established with the goal of studying a number of socio-economic issues related to the aging of Canada's population. In carrying out this study, the task force travelled across Canada to meet with seniors and stakeholders.

As a member of this task force, I had the opportunity to organize a round table in Montreal that brought together some 30 experts. It was a very stimulating day and we received many recommendations.

In the report, which was made public on February 11, the task force on seniors examined the major issues concerning quality of life for seniors, and formulated seven recommendations for policy-makers to examine. With your leave, I will list these recommendations.

First, the task force recommends that the Prime Minister appoint a minister of state for seniors.

Second, the task force recommends that the federal government reinstate the New Horizons program. I am very familiar with that program; through it I was able to create a number of seniors' clubs in various communities, including the first Chinese seniors' club, which was formed in 1977.

This program offering grants to seniors enjoyed enormous success in the past. Many people from coast to coast have called for the return of this program. One of the biggest worries among seniors is loneliness. Isolation can be as dangerous as illness.

On February 5, 2004, an article appeared in *La Presse* about the increased rate of suicide among seniors. This is a well-known problem, but no one is doing anything about it. The situation is all the more worrisome, according to Michel Préville, a researcher at the Sherbrooke Geriatric University Institute, because suicide in seniors is incorrectly thought of as a normal phenomenon of aging.

We can see that this is a societal ill. Today, community support is almost non-existent. Recruiting new volunteers is increasingly difficult. Yet volunteers are essential for improving the quality of life of our seniors.

The reinstatement of the New Horizons Program will help create a network of trained volunteers in order to overcome the isolation and loneliness felt by seniors. The New Horizons Program could also improve life for older recent immigrants, who have great difficulty adjusting to their new country and too often do not receive the services to which they are entitled.

Third, the task force recommends that the government review income support programs for seniors. The income of seniors has increased over the past 20 years. Nonetheless, some groups, including single older women, disabled persons, and Aborigines,

seem more vulnerable and some programs should be reviewed to take these groups of individuals into consideration because, like us, they are good Canadians.

Fourth, the taskforce recommends that the federal government, the provinces and the territories get together to establish national standards for home care.

Fifth, the taskforce recommends that the federal government draw its inspiration from the Veterans Independence Program, which is a home support program. Seniors want only one thing: to stay in their homes for as long as possible. To do so, they need assistance appropriate to their state of health. The time has come for the government to consider implementing a home support program for seniors.

Sixth, the taskforce recommends that the federal government raise awareness about issues related to senior citizens by creating a national public education program on problems such as loneliness, staying at home and abuse.

The most recent volume of *Expression*, published quarterly by the National Advisory Council on Aging, wants to increase public awareness of the abuse of older persons. Even today, this is a taboo social problem in our society.

A national campaign must be implemented to put an end to these serious problems.

Finally, the task force recommends that the federal government study the issue of mandatory retirement.

In closing, honourable senators, I hope that the decision-makers will closely examine the report by the caucus task force and that the various levels of governments will champion many of its recommendations; we must not forget that these problems may already be or may one day become our problems too.

Hon. Marcel Prud'homme: Honourable senators, I sincerely hope that this motion will not die on the Order Paper. With the permission of the Senate, I move that this debate be adjourned in my name, for future debate, so that this important motion will not disappear from the Order Paper.

On motion of Senator Prud'homme, debate adjourned.

RECOGNITION OF WRONGS DONE TO ACADIAN PEOPLE

INQUIRY—DEBATE ADJOURNED

Hon. Gerald J. Comeau rose pursuant to notice of February 17, 2004:

That he will call the attention of the Senate to the *House of Commons Debates* of February 11, 2004; specifically the concerns caused by Bloc québécois Stéphane Bergeron's Motion M-382 in which he is seeking:

That a humble Address be presented to Her Excellency praying that, following the steps already taken by the Société Nationale de l'Acadie, she will intercede with Her Majesty to cause the British Crown to recognize officially the wrongs done to the Acadian people in its name between 1755 and 1763.

He said: Honourable senators, I want to draw your attention to the House of Commons debates of February 11, 2004, specifically the concerns caused by Bloc Québécois Stéphane Bergeron's motion, under private members' business, which reads as follows:

That a humble Address be presented to Her Excellency praying that, following the steps already taken by the Société Nationale de l'Acadie, she will intercede with Her Majesty to cause the British Crown to recognize officially the wrongs done to the Acadian people in its name between 1755 and 1763.

• (1610)

Honourable senators will remember that, in December 2003, Her Excellency the Governor General of Canada signed a proclamation to the effect that the deportation did indeed take place and that the Acadian people of the time suffered from it. Mr. Bergeron's motion goes further by pointing out that the deportation was harmful to the Acadian people.

I would like to congratulate the Société nationale de l'Acadie — the SNA — for its work regarding the proclamation designating July 28 of each year as a day of commemoration. I am sure that the Société nationale de l'Acadie asked that the wrongs done to the Acadian people by the deportation be recognized, but that the Société also appreciates what the government proposed to it.

Let us get back to Mr. Bergeron's motion. There is nothing wrong with admitting that ethnic cleansing is unacceptable, regardless of whether it took place 250 years ago or yesterday. Contrary to what some people are suggesting, Mr. Bergeron's motion does not ask for the recognition of personal guilt or for an apology, because, after all, the victims and the guilty parties are all dead. It should be noted that, today, Acadians do not see themselves as victims and they hold no grudge. Nor do they keep dwelling on past injustices.

Madeleine Leblanc, an Acadian heroine during the deportation, is known for having said: "Enough crying. We must now build us a shelter for the night." Today's Acadians envision the future with optimism and confidence. Like all Canadians, they are proud to build a better future for all. Perseverance and confidence are essential qualities that we have inherited from our ancestors. However, this does not mean that the deportation should be erased from Canadian history. Nor does it mean, as some warped minds are insinuating, that our ancestors asked for it and got what they deserved. It is a historical fact that the Great Upheaval occurred, and the December proclamation recognizes it. Mr. Bergeron's motion goes further by saying that ethnic

cleansing was already taking place in the 18th century. The motion does not attempt to change or rewrite history, as claimed by some.

That said, I am disappointed that Mr. Bergeron does not understand the disappointment the House of Commons caused by voting against a motion denouncing the wrongs done by the deportation. By so doing, it leads people to believe the deportation was justified. This is recorded henceforth in the record and the history of the House of Commons. Mr. Bergeron sponsored this motion. With such an outcome, one might have thought he had done enough for the Acadians, but no, he introduced an identical motion, M-382, on December 18, 2003. When will he stop overwhelming us with his good intentions? Mr. Bergeron has been here for some years and ought to know that a motion such as this is not to be introduced unless it has a good chance of being adopted. If he had spoken with the Acadians beforehand, tried to get to know us better, he would not have introduced his motion unless it had a good chance of being successful. Being an Acadian means more than suddenly discovering Acadian ancestry. Those who live in our communities and are well aware of our struggle to preserve our language and our heritage would never have precipitated such a vote, nor would they now be turning the other cheek. There may have been good intentions but, as far as I know, no one asked them to set off on a crusade on behalf of the Acadians. It is disgraceful to use the history of our ancestors for political gain. It is getting harder and harder to give Mr. Bergeron the benefit of the doubt. He may simply be naïve, but there are some who believe that what he really wants is to incite Acadian Liberal MPs to vote against his motion and against the history of their ancestors. If that is the case, he succeeded the first time; the Liberals did vote against the motion. Is he trying to set the same trap a second time?

I know that ignorance is no excuse, but some federal members of Parliament from other regions of Canada may not really know the history of Acadia. Nevertheless, I am very disappointed to see that my Liberal colleagues in the House of Commons were easily fooled during the first motion.

Unlike the other members, they have no excuse for their vote against the motion. The result was that this unpleasant motion of the House of Commons has been written into the records and it may possibly be written there a second time, if the motion is accepted as is.

I would like to point out that the Member of Parliament for Acadie—Bathurst, Mr. Yvon Godin, supported the initial motion and supports the current motion. I thank him for not opposing the motion.

I will not dwell on the motion that was initially debated; I shall look at the motion of February 11, 2004. Permit me to contradict my friend, the honourable Robert Thibault, who said that the royal proclamation designating July 28 of each year as A Day of Commemoration of the Great Upheaval brought the history of the Acadians to a happy ending. He also said that the Acadians said they were happy with the result. End of story.

As an Acadian, I am not happy that the records of the House of Commons contain a motion that might lead people to think that the deportation of our ancestors was just. I am unhappy that their memory is being dishonoured in this way. Robert Thibault suggested that we should focus our energy on the challenges of the future, and on the history we are living today. He said that he and his colleagues were concerned with the future of all Acadians and all Canadians. I do not oppose this positive attitude, but I believe that it is possible to look to the future while respecting, honouring and remembering the heritage of our ancestors and the suffering they went through on our behalf.

I must also contradict another Member of Parliament, Mr. Scott Reid, member for Lanark—Carleton, who did the research and wrote the speech read by Ms. Lynne Yelich, Conservative Member for Blackstrap, a riding in Saskatchewan. In contrast to the Acadians who know more about the subject, Mr. Reid revealed in his history that he knows nothing about Mr. Bergeron's motion or about Acadian history. I cannot correct all his erroneous statements. I shall settle for rectifying some of his most flagrant errors.

Mr. Reid feels that collective guilt is inappropriate, and this guilt must not be handed down from one generation to the next. This is nowhere in the motion. In his opinion, the motion lays the blame on the wrong people. However, Mr. Bergeron worded his motion carefully so as to blame no one, not even the Crown. He mentions only that wrongs were committed in the name of the British Crown.

Mr. Reid begins with the declaration that the Acadians settled on British territory. In reality, the Acadians settled on French territory during the first half of the 17th century. The British Crown later acquired this territory and was co-owner at the time of the expulsion. Mr. Reid goes on to say that some of these people were shipped to England, others to Louisiana and still others to France.

We can ignore his mistake in saying that the Acadians were deported to Louisiana. But I cannot stay silent with regard to his erroneous comment that the Acadians were sent back to France. The Acadians were not French citizens. They were British subjects, born in Acadia, whose parents, grandparents and other ancestors had lived in Acadia. They were descendants of the first settlers in Canada, after the First Nations. They could not have been sent back to France, since they had never lived there. They were not tourists, whose visas had suddenly expired.

Mr. Reid goes on to say that Lawrence and Shirley bear the ultimate responsibility and that the British Crown had not taken part in planning the expulsion of the Acadians.

• (1620)

You will forgive me if I do not congratulate the member for Lanark Carleton for his conclusions on an issue that has been the subject of fruitless research for 250 years. Later Mr. Reid suggests that the first collective apology to the Acadians should come from the government. I do not know how he came to that conclusion, but it seems to have become customary to blame bureaucrats or others rather than apologize for the suffering that we may have caused.

Mr. Reid says that Mr. Bergeron's motion asks specifically for an apology for this past wrong. Once again, if we read the motion carefully, we see that this is false. After this initial sophism, the rest of his moralistic presentation leaves me indifferent. He talks about excuses, collective or hereditary guilt, institutional guilt, the similarity to the apology to Canadians of Japanese descent, and so on. Like Mr. Thibault, Mr. Reid says that the proclamation of December 11, 2003 suits him perfectly. The case is closed, end of discussion.

Very few elements of Mr. Reid's speech earned my admiration. I did, however, detect a glimmer of hope in it, and I quote:

As moral actors, we need to recognize the existence of these past wrongs, to identify them to our fellow citizens and to do all we can to ensure that no modern version of this wrong can occur.

He continues:

As such, I would like to applaud the sincere efforts of the honourable member for Verchères—Les-Patriotes to ensure that this episode in our history is not forgotten.

I can only ask the members of the other place, our elected representatives, to pay attention to how they treat and discuss issues that are important in the eyes of minorities. They should avoid dragging minorities into their partisan battles; they should ask their opinion before reacting and speaking out. I suggest that in the future, the members work with the Société nationale de l'Acadie and seek advice before launching into controversial issues and becoming entangled in them.

Finally, they should try to find a way to delete from the records of the 2nd session of the 37th Parliament, the motion suggesting that it was not immoral to deport the Acadians.

Hon. Eymard G. Corbin: Honourable senators, on the one hand, I do not wish to detract from the substance and the good intentions of the speech just made by Senator Comeau before this chamber. But on the other hand, all senators have an obligation to point out any deviation from the *Rules of the Senate*. Rule 46 reads as follows:

The content of a speech made in the House of Commons in the current session may be summarized, but it is out of order to quote from such a speech unless it be a speech of a Minister of the Crown in relation to government policy. A Senator may always quote from a speech made in a previous session.

It is not clear to me whether Senator Comeau was quoting from a speech made in the House of Commons during this session or the last. In the latter case, this would be fully allowed, but the rule strikes me as clearly stating that what has been said by members of the House of Commons during the current session cannot be quoted.

No penalty is associated with rule 46 but it is worthwhile refreshing one's memory occasionally.

Senator Comeau: I accept what Senator Corbin says. All of us ought to occasionally reread the *Rules of the Senate* in order to make sure we adhere not only to the letter of them but the spirit in which they were prepared. There are good reasons behind them and I thank you for this point of order.

Hon. Marcel Prud'homme: Honourable senators, I would like to comment on Senator Comeau's speech before we call for adjournment.

[English]

The Hon. the Speaker: Senator Corbin's intervention is not a debatable matter. It is simply a matter of whether we are proceeding in an orderly way.

On the matter of order, I have listened to Senator Corbin's point and Senator Comeau's response. Contained within the collective comments of the two senators was the answer to the issue raised by Senator Corbin, quite properly referring to rule 46 and quotes of the speeches from the other place.

I said that I would see the Senator Losier-Cool to adjourn the debate, but does the Honourable Senator Prud'homme wish to speak?

Senator Prud'homme: Yes, honourable senators, I certainly will speak. Before Senator Losier-Cool adjourns debate, if there are questions to the honourable senator who just spoke, it would be our last opportunity to make direct comments. I do not want to speak now; I will speak after Senator Losier-Cool and Senator Léger.

[Translation]

I would like to thank Senator Comeau for bringing this debate in the other House to our attention. In his speech, which is well-balanced — at the beginning I was a bit worried; I thought it would be a partisan speech directed against Liberal members of Parliament — he informed us of the comments made by our colleagues in the other House, from a party other than the one in power.

I would like to thank him for this balanced approach, which is now going to send any one of us who wants to participate in a debate to reread the *Debates of the House of Commons*. I am thinking of what Senator Corbin said, whether it was in the current Parliament or a previous one. Thanks to this debate we have a much better idea of what we need to do. I thank him.

On motion of Senator Losier-Cool, debate adjourned.

BILL TO CHANGE NAMES OF CERTAIN ELECTORAL DISTRICTS

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-20, to change the names of certain electoral districts.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Rompkey, bill placed on the Orders of the Day for second reading two days hence.

[English]

BUSINESS OF THE SENATE

Hon. Marcel Prud'homme: Honourable senators, I wanted to make a comment before His Honour proceeded. I was on my feet. I would ask Senator Rompkey, before he proceeds, how many times and until when will bills of this nature keep coming from the other place? Soon we will have a motion to change the names of every electoral district in Canada, which would be contrary to the principle of the law.

The Hon. the Speaker: Honourable senators, we are at first reading and the matter will come up in two days for debate. It is not in order to start that debate now.

• (1630)

[Translation]

CONSTITUTION ACT, 1867

MOTION TO AMEND SECTION 16 DEBATE ADJOURNED

Hon. Jean-Robert Gauthier, pursuant to notice given February 11, 2004, moved:

Whereas section 43 of the *Constitution Act, 1982* provides that an amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province to which the amendment applies;

Now therefore the Senate resolves that an amendment to the Constitution of Canada be authorized to be made by proclamation issued by Her Excellency the Governor General under the Great Seal of Canada in accordance with the schedule hereto.

SCHEDULE

AMENDMENT TO THE CONSTITUTION OF CANADA

1. Section 16 of the *Constitution Act, 1867* is replaced by the following:

"16. (1) Until the Queen otherwise directs, the seat of government of Canada shall be Ottawa.

(2) In the seat of government of Canada, any member of the public has the right to communicate with, and to receive available services from, the government of Ontario and the City of Ottawa in English or French."

CITATION

2. This Amendment may be cited as the "Constitution Amendment, [year of proclamation] (Seat of government of Canada)".

He said: Honourable senators, section 16 of the *Constitution Act, 1867*, reads as follows:

Until the Queen otherwise directs, the seat of government of Canada shall be Ottawa.

This is the only city mentioned in the Canadian Constitution.

My amendment is based on section 43 of the Constitution of 1982, which states that the Constitution of Canada may be amended:

...by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province to which the amendment applies;

In this case, my province, Ontario.

Now therefore the Senate resolves that an amendment to the Constitution of Canada be authorized to be made by proclamation issued by Her Excellency the Governor General under the Great Seal of Canada in accordance with the schedule hereto. The schedule in question is titled "Amendment to the Constitution of Canada".

Section 16 of the *Constitution Act, 1867* is replaced by the following:

"16. (1) Until the Queen otherwise directs, the seat of government of Canada shall be Ottawa.

In the seat of government of Canada, any member of the public has the right to communicate with, and to receive available services from, the government of Ontario and the City of Ottawa in English or French.

This Amendment may be cited as the "Constitution Amendment, 2004".

The municipalities are created by the provinces. In the beginning, the municipality of Ottawa was called Bytown. As the years went on, the province changed its name, and now it is Ottawa.

There is no bilingual municipality in Ontario at the present time.

When Bill 8 was enacted in 1986, it excluded the municipalities from the scope of the law, which designated 23 regions of this province where provincial services could be obtained in both official languages.

If my proposal is adopted, Ottawa will be the only city in Ontario where linguistic duality will be respected. A number of municipalities in other provinces have that status, in New Brunswick for example.

In Quebec there are 93 municipal bodies providing services in both official languages. A Government of Quebec listing titled "Organismes reconnus en vertu de l'article 29.1" was provided to me recently. Surprisingly, it listed 93 municipalities with recognition under section 29.1 of their legislation on the Office de la langue française.

The purpose of my constitutional amendment is to clarify in the Constitution that Ottawa, the capital of Canada, has a duty to reflect the linguistic duality at the heart of our collective identity and characteristic of the very nature of Canada.

Declaring Ottawa a bilingual city will allow all Canadians to obtain services from municipal authorities in French or English. This constitutional reality confirms that English and French are the two official languages of our country. It will be clear to everyone that Ottawa, bilingual city and capital of Canada, would henceforth be respectful, welcoming and generous in Canada's two official languages.

In my proposal, it is not a question of asking the Province of Ontario to declare the city of Ottawa officially bilingual. I know enough about official languages to know that the word "official" irritates some people, who see in it all sorts of impositions, obligations and costs. It is not my intention to impose such constraints on anyone. My proposal simply asks for equality for the two official languages.

The word "official" is not in my proposal. I am not trying to irritate anyone or provoke any negative reactions.

Making Ottawa a bilingual city has nothing to do with federal policy on official languages in Canada. This is not about institutional or individual bilingualism. Moreover, the term "bilingual" does not appear in the Constitution of Canada. There is simply a formal commitment to respect linguistic duality, namely English and French.

The term "linguistic duality", part of common speech for the past few years, is an expression that is more inclusive and respectful of every Canadian. I do not like the term "bilingual" because it irritates some unilingual people. There are some 19 million unilingual Anglophones who do not like to be excluded by the term "bilingual". There are also some 4 million French Canadians who do not like being told they are not full-fledged Canadian because they are not bilingual.

It is my intention to recognize that in the nation's capital everyone has the right to be served in the official language of their choice. All Canadians must feel welcome in the capital of Canada. All visitors, including foreigners, must also feel welcome in the capital of Canada.

Tourism is a major industry and, from an economic point of view, it generates significant employment and investments in the national capital.

Recently, a complete restructuring of municipalities took place in Ontario. In the Ottawa region, the 12 municipalities were merged to create a single city. The Province of Ontario launched this initiative and set up a commission chaired by Claude Bennett. Therefore, the province has the authority to change the municipality's geographical boundaries.

A document entitled "Local Government Reform in the Regional Municipality of Ottawa-Carleton" was prepared by the special advisor to the provincial government on restructuring, Glen Shortliffe. In his report, Mr. Shortliffe recommended that the new City of Ottawa be designated a bilingual city in the act, and that services be available in French where warranted. Mr. Shortliffe also recommended that the City of Ottawa follow the linguistic policy in effect under the former municipality.

Ottawa has been providing services in both official languages for years. The new board elected in 2000 passed a resolution in May 2001. That resolution asked the Province of Ontario to recognize the long-standing practice of serving the region in both official languages. Mr. Shortliffe based his recommendation on the policy of the former municipality.

The Ottawa city council held a vote and the resolution was passed with 17 in favour and 5 opposed. The municipality twice asked the province to recognize bilingualism in this city. Unfortunately, the province did not follow up on that request from the City of Ottawa.

On February 1, 2003, in response to a question from a journalist from the *Ottawa Sun*, the then leader of the opposition, Dalton McGuinty, said that he would take action if he was elected premier in the upcoming provincial election, and that he would look favourably on the request made by the City of Ottawa to amend the act creating the new amalgamated City of Ottawa.

Following the November 2003 provincial election, Ontario's Minister of Francophone Affairs and Culture, Madeleine Meilleur, replied to one of my letters by saying that there were no eligibility criteria to allow a city to become bilingual and that the Government of Ontario had never recognized a municipality as being bilingual.

• (1640)

She indicated that, in this case, the Government of Ontario would follow up on the request made by the City of Ottawa and would give it bilingual status. I can read an excerpt of the letter signed by Madeleine Meilleur:

Ontario has never recognized a municipality as being bilingual. The City of Ottawa asked the government to recognize its bilingual status and we will agree to this request.

Since that letter, dated January 8, 2004, Mr. McGuinty also wrote to me to confirm his intention to recognize the linguistic duality and to incorporate it into the actions and decisions that he will soon be taking, when the provincial legislature resumes its activities, at the end of March.

Honourable senators, this resolution is one of many others that are supported by signatures on a petition that I circulated all across Ontario. I tabled some 30,000 signatures to support this initiative of mine. I hope that the chamber will recognize the importance of this issue and that it will make a decision at the earliest opportunity.

On motion of Senator Beaudoin, debate adjourned.

[English]

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY MOTION IN AMENDMENT—VOTE DEFERRED

On the Order:

Resuming debate on the motion of the Honourable Senator Trenholme Counsell, seconded by the Honourable Senator Massicotte, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the Third Session of the Thirty-seventh Parliament,

On the motion in amendment of the Honourable Senator Kinsella, seconded by the Honourable Senator Stratton, that the motion be amended by adding:

"And the Senate regrets that the Speech from the Throne is a preview of a tired Liberal election platform, filled with empty rhetoric and vacuous promises that does nothing to address the very real problems facing Canadians who are turning to the Conservative Party to form a government that will manage with competence and govern with integrity."—(11th day of resuming debate)

The Hon. the Speaker: Honourable senators, pursuant to rule 67(2), the standing vote on the amendment of Senator Kinsella to the address in reply to the Speech from the Throne was deferred until later today at 5:30 p.m., with the bells to ring at 5:15 p.m. In accordance with rule 7(2), the sitting is suspended until 5:15 p.m.

As one final matter, honourable senators: Is it your desire that we lock the chamber during the time it is vacated until 5:15 p.m.?

Hon. Senators: Agreed.

The sitting of the Senate was suspended.

• (1730)

The sitting of the Senate was resumed.

Motion negatived on the following division:

YEAS
THE HONOURABLE SENATORS

Andreychuk
Beaudoin
Cochrane
Comeau
Forrestall
Johnson

Kinsella
LeBreton
Lynch-Staunton
Maheu
St. Germain
Stratton—12

NAYS
THE HONOURABLE SENATORS

Adams
Austin
Baker
Banks
Callbeck
Carstairs
Chaput
Christensen
Cook
Cools
Corbin
Cordy
Day
De Bané
Fairbairn
Ferretti Barth
Finnerty
Fraser
Furey
Gauthier
Grafstein
Graham
Hervieux-Payette
Hubley
Jaffer
Joyal

Kenny
LaPierre
Lapointe
Léger
Losier-Cool
Maheu
Mahovlich
Mercer
Merchant
Milne
Moore
Morin
Munson
Pearson
Pépin
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Plamondon
Poulin
Prud'homme
Ringuette
Robichaud
Roche
Rompkey
Trenholme Counsell
Watt—51

ABSTENTIONS
THE HONOURABLE SENATORS

Atkins

Murray—2

Hon. Lorna Milne: Honourable senators, for future reference, I draw your attention to rules 66(4) and 68(1). Rule 68(1) states:

A Senator shall not vote on any question unless the Senator is within the Bar of the Senate when the question is put.

I point out that Senator Harb was, indeed, within the Bar before the question was put.

Some Hon. Senators: Hear, hear!

Hon. Bill Rompkey (Deputy Leader of the Government): Your Honour, we understand that there are other senators who wish to participate in the debate on the Address in Reply to the Speech from the Throne. Apparently, there were none on Friday. As of today, however, we have been informed that there are some honourable senators who wish to speak on this item.

If there are, I suggest that since we have 25 minutes of sitting time left today, we might continue that debate.

Some Hon. Senators: Question!

POINT OF ORDER

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, we have gone beyond that point in the Order Paper.

Senator Lynch-Staunton: That is right.

Senator St. Germain: Are the honourable senators on the other side changing the rules again to their own liking?

The Hon. the Speaker: No one is standing to speak at this time. Accordingly, there is no issue to decide in terms of whether we can continue today.

Hon. Bill Rompkey (Deputy Leader of the Government): It is my impression that the rule says that if the Senate has voted on an item, then we must conclude business on that item before adjourning. Is that not the case?

Senator Kinsella: Honourable senators, I inquired into this matter. Based upon the advice that I received as a result of the inquiries I made and my own reading of the rule, it is my understanding that once the division has been taken on an item that has been deferred to a specific time, that item then stands, and is next considered when it called again. The next time that this order can be called is tomorrow afternoon, under Government Business.

This is very much like the ruling Your Honour gave this afternoon. At that time, we had gone beyond Government Business. We are again, at this time, beyond Government Business. This was a deferred division, and it has nothing to do with where the item appears on the Order Paper.

We have gone beyond Government Business. This is an item of Government Business.

The Hon. the Speaker: I will take this as a point of order. Does any other senator wish to speak?

Hon. Sharon Carstairs: Honourable senators, I wish to quote rule 7(1), which states:

When a standing vote has been deferred, pursuant to rule 67(1), and is to be held during a sitting at 5:30 o'clock p.m., if the Senate completes its business on that day before this time, no motion to adjourn the Senate shall be received until after the deferred vote has been taken and business pursuant thereto has been completed.

Senator Rompkey: The key words "...and business pursuant thereto has been completed." That was the point I was trying to make earlier.

My suggestion now is that we complete business, which is the discussion of the Speech from the Throne.

The Hon. the Speaker: We are on a point of order. If honourable senators want me to rule now, I will.

Senator Rompkey: Yes, Your Honour, I would suggest that you rule now.

The Hon. the Speaker: I would ask honourable senators to give me a few minutes to look at the rules.

Senator St. Germain: Is this the Politburo now?

Senator Cools: The problem is that there are too many rules, and no senator knows them.

The sitting of the Senate was suspended.

• (1740)

The sitting of the Senate was resumed.

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, thank you for your patience.

I have been requested to rule on the question of whether we are at a point in our proceedings today where we might continue debate, in effect, or take other steps with respect to the matter we have just voted on.

I will draw attention, as senators did in their interventions — and I thank them for that — to rule 7(1) and, in particular, the wording that we were directed to by Senator Carstairs. Rule 7(1) states:

When a standing vote has been deferred, pursuant to rule 67(1), and it is to be held during a sitting at 5:30 o'clock p.m., if the Senate completes its business on that day before this time, no motion to adjourn the Senate shall be received until after the deferred vote has been taken and business pursuant thereto has been completed.

[Translation]

It is important to also follow the rule in French.

Lorsqu'un vote par appel nominal est différé conformément au paragraphe 67(1) du Règlement et qu'il doit avoir lieu au cours d'une séance à 17 h 30, si le Sénat

épuise l'ordre du jour avant cette heure-là, une motion d'ajournement du Sénat n'est reçue qu'après la tenue du vote différé et la conclusion de toute affaire s'y rattachant.

[English]

The interpretation, which is what I wish to do, particularly when I look at the French "toute affaire" and the English "business," and given the broader meaning of "other business" or "other items," which is the way I read it, that it is in order to do business on the item that we have just voted on. I rule accordingly.

Senator Murray: Is the motion before the house?

The Hon. the Speaker: The motion is before the house.

Some Hon. Senators: Question!

The Hon. the Speaker: Does any honourable senator wish to speak?

Hon. Gerald J. Comeau: Honourable senators, I am so glad that everyone wanted to hear my speech that I shall give it now.

Senator Graham: Hear, hear!

Senator Comeau: Honourable senators, the Speech from the Throne speaks of making Parliament work better. Indeed, for democracy to work, Parliament must work. It must meet and it must be able to hold the government to account. It cannot do this when Parliament does not sit, when it is being held in suspended animation.

Last fall, the other place sat for 35 days; the Senate sat for 25. We then prorogued a month early because the old Prime Minister did not want to face Parliament while the new Prime Minister cooled his heels, and the new Prime Minister was in no hurry to face Parliament, where his ministers would be held accountable.

We were to return on January 12. Oops, sorry, the Prime Minister has a meeting in Mexico. January 19? Cannot do it — the Prime Minister has a meeting in Davos. January 26? Nope, jet lag from Davos. Finally, Groundhog Day comes along and Mr. Martin crawls out of his bunker, sees his shadow, and declares a democratic deficit.

We hear rumours that an election will be held in early April. If this is correct, and if the other place follows the timetable set out in its Standing Orders, it will meet no more than 35 times before then. We will perhaps meet 25 days, give or take a few. It is possible that we might not be called back in June, but we will return only in September.

The end result would be that, over the course of a year, the other place would have sat for about 70 days and the Senate would have met for roughly 50, give or take a few days. The public will, of course, be upset about our workload, but we cannot meet if Parliament is not in session.

Honourable senators, there is a democratic deficit when Parliament does not meet because it does not suit the Prime Minister's agenda.

The Hon. the Speaker: I am sorry to interrupt, but if I could ask honourable senators to please come to order. There are a number of conversations and it is becoming difficult to hear Senator Comeau.

Senator St. Germain: It is a good speech. Listen to it!

Senator Comeau: Issues cannot be debated, committees cannot meet and, more importantly, ministers cannot be held to account in Question Period for what they have done, failed to do or planned to do.

Parliament was not sitting when the RCMP raided the *Ottawa Citizen* and the home of its reporter Juliet O'Neill. We could not hold the government to account until two weeks later, but this is not the only example.

• (1750)

If Parliament sat the week of November 18, it could have held Wayne Easter to account for his admission that Canada provided information on Mr. Maher Arar to the United States. It could have held Gerry Byrne to account for using ACOA as a slush-fund for his own riding.

Senator St. Germain: Shame!

Senator Comeau: It could have held the former Prime Minister to account for hiding the costs of the new history museum. Had Parliament sat the week of November 25, it would have received the Auditor General's report. The government escaped questions until February 10, and the expenses of the program just kept on going.

In the other place, the Public Accounts Committee would now be well into its review of the report's various chapters, including the sponsorship fiasco. Had Parliament sat the week of December 1, it could have held the government to account for Paul Martin's unreported trips on corporate jets. It could have held the government to account for reports that the ethics counsellor was watering down the post-employment rules for John Manley and Eddie Goldenberg.

Senator St. Germain: Lapdog!

Senator Comeau: Parliament could have held the government to account for new revelations in the Radwanski file involving personal loans from an employee of the Office of the Privacy Commissioner. It could have asked the government if it still planned to implement the Kyoto Protocol, given Russia's decision to reject the accord.

Honourable senators, the Speech from the Throne speaks of an enhanced role for parliamentary committees so that members can

hold the government to greater account. If Parliament had sat the week of December 8, the Commons Finance Committee would have completed the work on its pre-budget report. However, because Parliament prorogued, the committee was dissolved; as such, like all committees, it could not meet, could not hear witnesses, and could not complete the work that was already underway.

During that same week, we could have held the government to account for confusion over the new Maple Leaf card — a fiasco such that a few weeks later it was impossible for many residents who have spent most of their lives in Canada to return to their homes.

The Commons committee would not have sat the week of December 15. However, had there been any unfinished business, as there often is, we would have met that week to pass government's more pressing bills. Thus, we would have been able to immediately hold the government accountable for the new Prime Minister's decision to give the minister's staff a \$32,000 raise while freezing public service job classifications. We could have asked the government to explain Alfonso Gagliano's retroactive pay hike. We could have asked how it came to pass that Forest Products Association of Canada received \$17 million in grant form after its lobbying firm hired someone from Mr. Pettigrew's office. We could have questioned the government about its decision to cut Lockheed Martin out of the bidding for a new helicopter contract and what that could mean in potential lawsuits. Parliament then could have risen for Christmas.

When Parliament prorogued, the original plan was to return on January 12. There would have been no shortage of developments over the Christmas break for which the current government should have been held to account when we returned. There was the December 28 police raid on some of Paul Martin's British Columbia organizers, with reports that the police raid was tied to an investigation into organized crime. There was mad cow. There was a report that the ethics counsellor had violated his own guidelines when he investigated Jean Chrétien's friends and lobbyist René Fougère. We learned that the Prime Minister had the final say on whether the ethics guideline had been violated.

We could not hold the government to account for a scathing report that, during the Ontario blackout last August, federal emergency numbers were either not working or went unanswered. We could not ask the government to clear up the confusion over its own on-again-off-again gas tax proposal; nor could not ask the government to clear up the confusion over its gun registry review. We could not ask about Canada's role in the U.S. missile defence project, which is of great interest to our colleague, Senator Roche. We could not call the government to account for reports that Indian ID cards are vulnerable to fraud.

The week of January 12, we could not ask government whether given its intention to study the problem of bureaucracy patronage, it would hold off proclamation of Bill C-25, which we were told last fall would only make the problem worse. We could not question the government on reports that it is giving Se

King pilots extra training on how to safely ditch at sea — that is an interesting one. We could not ask if the Prime Minister had raised the Maher Arar affair in his meetings with George Bush and, if so, what he was told. We could not ask if he made any progress with Mr. Bush in his pursuit of a free and open border.

The week of January 19, there were more problems than just the raid on the home of Juliet O'Neill. We could not ask if it was appropriate for the National Capital Commission to spend \$500,000 on a new logo that looks a great deal like the old logo. While we learned that the Minister of Defence, David Pratt, feels that the NCC Chairman, Marcel Beaudry, should be fired, we could not ask if Mr. Beaudry still has the confidence of other government ministers.

We could not ask the government to explain why it still issues visas to non-residents enrolling in what are known to be "sham schools." We could not ask why an immediate review of the Privacy Act is not a priority when the President of the Treasury Board accuses public servants of hiding behind it.

We could not call the government to account for Paul Martin's decision to hire the son of the Chief Electoral Officer of Canada to his political staff. For anyone who cares to find out how we are perceived abroad, the optics are not good. Honourable senators, you cannot complain about a democratic deficit when you make the career of the son of the Chief Electoral Officer of Canada dependent on your own political success. You can imagine the response that the Prime Minister will receive the next time he lectures a third-world dictator about democracy or, for that matter, about freedom of the press.

During the week of January 19, we could not ask the government what it received for the \$118,000 it gave to Earncliffe to provide communications advice on mad cow disease. Perhaps advice on how to deal with mad ranchers? The week of January 26, we could not ask about the safety of our peacekeepers and about the equipment they use when they place their lives on the line for their country.

In Mexico, the Prime Minister lectured Latin Americans governments on corruption. However, we could not ask why the RCMP rejected an external report exonerating an officer who blew the whistle when told to stop investigating corruption at Canada's High Commission in Hong Kong. We could not ask why Correctional Services Canada pays long-distance charges for criminals who dial up phone-sex lines. We could not ask whether the transport minister shares the view of his parliamentary secretary that green motorists deserve a tax break.

We could not ask whether the current Minister of Transport shares the view of former Transport Minister Doug Young that NAV CANADA is not accountable enough. We could not ask why the Department of National Defence is banning the shipment of Canadian beef to Canadian troops. We could not ask how it

came to pass that the Prime Minister's business dealings with the government were so understated and why it took him so long to come clean on the true figure. One does not need to be a former Finance Minister to figure out that there is a huge difference between \$137,000 and \$161 million.

Yet, the Prime Minister tells us that he wants to fight the democratic deficit.

Honourable senators, of the many Prime Ministers who have served this nation, some have stood out more than others because of the affection and respect that they have shown for the institution of Parliament. So far, we have yet to see any evidence that Mr. Martin falls into that category.

Honourable senators, one Prime Minister was well known for his respect for Parliament and for being at home within its walls — the Right Honourable John George Diefenbaker. I shall conclude my remarks by quoting from an address given by Mr. Diefenbaker 54 years ago during the September 1949 Speech from the Throne debate. He said:

Parliament is more than procedure — it is the custodian of the nation's freedom."

He went on to say:

Some say Parliament talks too much. Parliamentary democracy can exist only when there is a public discussion and debate; where public discussion is denied, freedom itself will deny, and the history of other nations has shown that freedom disappears when there is no effective opposition.

MOTION IN AMENDMENT

Hon. Gerald J. Comeau: Honourable senators, with those ringing words that still hold true today, I move, seconded by Senator Beaudoin, that the motion be amended by adding:

That the Senate of Canada regrets that the Speech from the Throne does nothing to either deal with the culture of corruption that has pervaded the federal government in the last ten years or to fix the broken machinery of government system.

An Hon. Senator: Shame!

The Hon. the Speaker: Honourable senators, we are properly in session and I shall put the motion.

I must draw the attention of honourable senators to the fact that it is now six o'clock. Is it your pleasure, honourable senators, that we not see the clock?

Senator Robichaud: Do not see the clock.

The Hon. the Speaker: Are honourable senators agreed?

Some Hon. Senators: Agreed.

• (1800)

The Hon. the Speaker: It was moved by the Honourable Senator Comeau, seconded by the Honourable Senator Beaudoin, that the motion be amended by adding:

That the Senate of Canada regrets that the Speech from the Throne does nothing to either deal with the culture of corruption that has pervaded the federal government in the last ten years or to fix the broken machinery of government system.

Are honourable senators ready for the question?

An Hon. Senator: Question!

The Hon. the Speaker: I take it senators are ready for the question. Accordingly, I will put the question.

It was moved by the Honourable Senator Comeau, seconded by the Honourable Senator Beaudoin, that the motion be amended by adding:

That the Senate of Canada regrets —

An Hon. Senator: Dispense.

An Hon. Senator: Read it.

The Hon. the Speaker:

— that the Speech from the Throne does nothing to either deal with the culture of corruption that has pervaded the federal government in the last ten years or to fix the broken machinery of government system.

Those in favour of the motion in amendment will please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the motion in amendment will please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the “nays” have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators.

Hon. Marjory LeBreton: Pursuant to rule 67(1), I move that the vote be deferred until tomorrow at 5:30 p.m.

The Hon. the Speaker: That is in accordance with the rules.

The Senate adjourned until tomorrow at 2 p.m.

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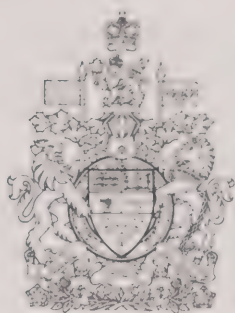
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OFFICIAL REPORT
(HANSARD)

Tuesday, February 24, 2004

THE HONOURABLE DAN HAYS
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Tuesday, February 24, 2004

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I draw your attention to the presence in our gallery of the Honourable Dragoljub Micunovic, President of the Parliament of Serbia and Montenegro. He is accompanied by Dr. Milorad Drljevic, Deputy Speaker, Serbia and Montenegro; Professor Zarko Korac, Member of Parliament; Mr. Borislav Banovic, Member of Parliament; and Mr. Branko Marjanac, Minister-Counsellor and Chargé d'Affaires for Serbia to Canada.

Welcome, gentlemen, to the Parliament of Canada and to the Senate.

The building where the Canadian newspaper collection is stored is hardly any better off. We saw items that were crumbling into dust, eaten up by fungus, because of the uncontrolled humidity. Almost a total loss. The cultural future is built on the past, and that past needs to be saved immediately, using the necessary means. It is not right that the budget of the National Library has not changed since 1990, even though its collection has grown by three per cent per year.

What Canadians saw Sunday night on Radio-Canada is unworthy of a country like ours which claims that it is respectful of its past in order to better face its future.

[English]

NATIONAL HEART MONTH

Hon. Wilbert J. Keon: Honourable senators, as many of you know, today is Heart on the Hill day, which takes place within this year's National Heart Month. I would like to take this opportunity to raise awareness of the prevention and treatment of heart disease in Canada and to briefly tackle two other issues currently relevant to the health care system in Canada. Heart disease and stroke remain the leading cause of death, hospitalization and prescription drug costs among Canadians. The strain of this tendency on our economy is evaluated at over \$18 billion per year and is expected to increase as the population ages. The situation calls for more research and improvement in the methods of treatment of heart disease, and most particularly for improved means of prevention.

Heart disease and stroke are more easily preventable than is commonly believed. Of the nine most common risk factors contributing to heart disease, only three cannot be controlled: increasing age, heredity and gender, and soon it may be possible to do something about heredity. The occurrence of heart disease is more likely among seniors, people with a family history of heart disease, and males. However, the risk factors that can be controlled include smoking, high blood pressure, obesity, lack of regular physical activity, high blood cholesterol and diabetes. For example, high blood pressure and blood cholesterol can be avoided by reducing the intake of salt and of saturated and hydrogenated fats. Other small but significant changes can be made to the daily lifestyle to reduce the risk of heart disease.

We must work harder at promoting a lifestyle that will encompass all of these healthy habits and focus on eliminating the preventable risk factors that contribute to the strain of heart disease in our health care system. Heart Month is an excellent time to recognize the factors that put you at risk and to make changes to your lifestyle accordingly.

At this time, I would like to comment on the section of the Speech from the Throne entitled, "Partnership for a Healthy Canada."

[Translation]

SENATORS' STATEMENTS

NATIONAL ARCHIVES

STATE OF STORAGE FACILITIES

Hon. Viola Léger: Honourable senators, like hundreds of thousands of Radio-Canada television viewers on Sunday evening, I saw the pitiful state of our archives at the National Library of Canada. I was horrified by the facts presented by journalist Paul Toutant, especially after watching the comforting Jutra Awards ceremony.

In her report, the Auditor General, Sheila Fraser, denounced the lamentable state of the building that houses the National Archives in Ottawa; more than 30,000 items in the collection have already been lost forever.

Nevertheless, what I saw Sunday evening just flabbergasts me. I was outraged to see documents of such great value — documents that are 400 years old, such as the original memoirs of Champlain, the founder of Quebec City, the Relations des Jésuites, and other precious historical documents, almost in ruins, in danger of being lost forever. At the end of the story, the reporter showed us the works of Victor Hugo, which had been ruined in a previous flood. These images were a real shock to me.

I was shocked to see dripping pipes and electrical wires that can overheat and set off the sprinklers at any moment, and to see our historical documents, the country's memory, being destroyed by water, mould and neon lights. The National Librarian, Roch Carrier, a writer himself, has not yet dared entrust his personal archives to the institution he heads.

• (1410)

One of the prominent concerns with the current system is the length of waiting times for important diagnosis and treatments. Canadians are increasingly worried that the availability of services will not satisfy their needs, which results in the loss of public support for the health system.

The inefficiency of waiting lists is caused by serious weaknesses in the management of these lists. The criteria for placing patients on lists and the methods used to measure waiting time are inconsistent, and there is very little evidence of audits.

Honourable senators, the fundamental principle that motivates publicly funded health care is that every Canadian should have timely access to quality care. The approval of the current health care system by the population is being jeopardized by its failure to meet this principle. How can we reduce waiting times and manage lists better?

I would recommend three correctional measures: the standardization of methods for measuring and reporting waiting times, the development of consistent procedures to classify patients on waiting lists, and the creation of alternatives to waiting lists through the redirection of patients to individual clinicians and institutions elsewhere.

Some of this currently —

The Hon. the Speaker: I regret to advise the honourable senator that his time has expired.

LOS ANGELES OPEN

CONGRATULATIONS TO MIKE WEIR

Hon. Francis William Mahovlich: Honourable senators, last Sunday there was an Asian invasion in Los Angeles. The Asian was Shigeki Maruyama. He was seven strokes back with 15 holes to play. When Mike Weir and Shigeki approached the eighteenth green, they were tied. Mike Weir kept his composure, sunk the putt and won the tournament known as the L.A. Open.

In the next few weeks and months to come, America is preparing for the famous Masters Tournament, of which Mike Weir is champion. He will be a contender again this year. He is showing it in his play in recent tournaments. Canada has much to look forward to.

CELEBRATION OF EID AL ADHA

Hon. Mobina S. B. Jaffer: Honourable senators, on Wednesday February 11, the Prime Minister, members of cabinet, senators and members of the House of Commons representing all political parties, as well as ambassadors and members of the Muslim community, were in attendance on Parliament Hill to celebrate one of the major Muslim festivals — Eid Al Adha. The celebration commemorates the willingness of the prophet, Ibrahim, to sacrifice his eldest son, Ishmael, for Allah. He has come to signify the spirit of sacrifice that every devotee of Allah should carry in his or her heart.

[Senator Keon]

The Association of Progressive Muslims of Ontario, a non-profit organization that is open to all Muslims, organized this important event. Under the leadership of Mobeen Khaja, president, and Zul Kassamali, vice-president, the association was created to build bridges of understanding between Muslims and other faith groups.

This year the Association of Progressive Muslims honoured two political figures. The association presented our colleague Senator Prud'homme with a plaque that read: "His dedication to just causes, his 40 years of public service, his contributions toward parliamentary democracy, his friendship toward the Muslim community and other communities."

The association also honoured the late Right Honourable Pierre Elliott Trudeau for the lasting legacy he left Canadians. It was Mr. Trudeau's promotion of tolerance for all faiths and his recognition and understanding of all peoples regardless of beliefs, origins or values that created the vision of multiculturalism that is the foundation of Canada's modern society. Canadians owe much to Mr. Trudeau for his vision.

Honourable senators, I know that you will join me in congratulating Senator Prud'homme for his achievements.

ROUTINE PROCEEDINGS

THE ESTIMATES, 2004-05

DOCUMENTS TABLED

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to table the 2004-05 Estimates, Part I and Part II, the government expenditure plan and the Main Estimates.

[Translation]

LIBRARY OF PARLIAMENT

REPORT OF JOINT COMMITTEE PURSUANT TO RULE 104 TABLED

Hon. Yves Morin: Honourable senators, pursuant to rule 104 of the *Rules of the Senate*, I have the honour to table the report of the Standing Joint Committee on the Library of Parliament, regarding the expenses incurred by the committee during the Second Session of the Thirty-seventh Parliament.

(For text of report, see page 203 of today's Journals of the Senate.)

[English]

THE ESTIMATES, 2004-05

NOTICE OF MOTION TO AUTHORIZE NATIONAL FINANCE COMMITTEE TO STUDY MAIN ESTIMATES

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I give notice that tomorrow, Wednesday February, 25, 2004, I will move:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Estimates for the fiscal year ending March 31, 2005, with the exception of Parliament Vote 10.

NOTICE OF MOTION TO REFER VOTE 10 TO JOINT COMMITTEE ON LIBRARY OF PARLIAMENT

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I give notice that tomorrow, Wednesday, February 25, 2004, I will move:

That the Standing Joint Committee on the Library of Parliament be authorized to examine the expenditures set out in Parliament Vote 10 of the Estimates for the fiscal year ending March 31, 2005; and

That a message be sent to the House of Commons to acquaint that house accordingly.

[Translation]

NATIONAL SECURITY AND DEFENCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO CONTINUE STUDY ON VETERANS' SERVICES AND BENEFITS, COMMEMORATIVE ACTIVITIES AND CHARTER

Hon. Michael A. Meighen: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Senate Committee on National Security and Defence be authorized to undertake a study on:

(a) the services and benefits provided to veterans of war and peacekeeping missions in recognition of their services to Canada, in particular examining:

- access to priority beds for veterans in community hospitals;
- availability of alternative housing and enhanced home care;
- standardization of services throughout Canada;
- monitoring and accreditation of long term care facilities;

(b) the commemorative activities undertaken by the Department of Veterans Affairs to keep alive for all Canadians the memory of the veterans' achievements and sacrifices; and

(c) the need for an updated Veterans Charter to outline the right to preventative care, family support, treatment and re-establishment benefits;

That the papers and evidence received and taken on the subject during the Second Session of the Thirty-seventh Parliament be referred to the Committee;

That the Committee report no later than June 30, 2004.

OFFICIAL LANGUAGES

BILINGUAL STATUS OF CITY OF OTTAWA—PRESENTATION OF PETITION

Hon. Michel Biron: Honourable senators, pursuant to rule 4(h), I have the honour to table, in this chamber, a petition from 107 persons asking that Ottawa, the capital of Canada, be declared a bilingual city, reflecting the linguistic duality of the country.

The petitioners ask Parliament to consider the following points:

That the Canadian Constitution provides that English and French are the two official languages of our country and have equality of status and equal rights and privileges as to their use in all institutions of the Government of Canada;

That section 16 of the Constitution Act, 1867 designates the city of Ottawa as the seat of government of Canada;

That citizens have the right in the national capital to have access to the services provided by all institutions of the Government of Canada in the official language of their choice, namely, English or French;

That Ottawa, the capital of Canada, has a duty to reflect the linguistic duality at the heart of our collective identity and characteristic of the very nature of our country.

Therefore your petitioners ask Parliament to confirm in the Constitution of Canada that Ottawa, the capital of Canada — the only one mentioned in the Constitution — is officially bilingual, pursuant to section 16 of the Constitution Acts from 1867 to 1982.

• (1420)

Hon. Gérald-A. Beaudoin: Honourable senators, pursuant to rule 4(h), I have the honour to table, in this chamber, a petition from 41 persons asking that Ottawa, the capital of Canada, be declared a bilingual city, reflecting the linguistic duality of the country. The petitioners ask Parliament to consider the following points:

That the Canadian Constitution provides that English and French are the two official languages of our country and have equality of status and equal rights and privileges as to their use in all institutions of the Government of Canada;

That section 16 of the Constitution Act, 1867 designates the city of Ottawa as the seat of government of Canada;

That citizens have the right in the national capital to have access to the services provided by all institutions of the Government of Canada in the official language of their choice, namely, English or French;

That the capital of Canada has a duty to reflect the linguistic duality at the heart of our collective identity and characteristic of the very nature of our country.

Therefore the petitioners ask Parliament to confirm in the Constitution of Canada that Ottawa, the capital of Canada,—the only one mentioned in the Constitution — is officially bilingual, pursuant to section 16 of the Constitution Acts from 1867 to 1982.

[English]

QUESTION PERIOD

PARLIAMENT

SEPARATION OF POWERS BETWEEN PARLIAMENT AND JUDICIARY

Hon. Jeremiah S. Grafstein: Honourable senators, I have a question for the Leader of the Government in the Senate.

Yesterday, we saw newspaper reports of the former Prime Minister being required to attend a civil hearing before the Federal Court to deal with policy matters with respect to the government. This, to my mind, is the second time I have read recently in the newspapers of the courts somehow not being sensitive and mindful of the separation of powers between the courts and Parliament. I have also read recently of a request by the courts to summon the current Prime Minister to a judicial hearing.

Has the government examined this question? Is it sensitive to the separation of powers between the judiciary and Parliament so that the privileges of Parliament can be preserved?

Hon. Jack Austin (Leader of the Government): Honourable senators, it is clear that a private citizen, which is what former Prime Minister Jean Chrétien is now, can be subpoenaed by a court, provided the court is satisfied that the evidence the private citizen has touches on the litigation before the court and provided that when the former Prime Minister or any person in his position is before a court, the questions are relevant to the issue in front of the court and do not touch on cabinet confidentiality or other matters. That is my understanding of the situation in the Alberta courts this week.

With respect to any member of Parliament — and I do not understand that a member of cabinet or the Prime Minister has any privilege larger than that of any other member of this house or of the other place — the current state of judicial interpretation is somewhat varied. As Senator Grafstein has said, Prime Minister Paul Martin has been requested to appear as a witness in a proceeding, as has the former Minister of Finance, John Manley. The courts seem now to accept the test of the relevance of their evidence, but also that they are not compellable within

40 days of the commencement or termination of a session of Parliament. As Senator Grafstein knows, there are other interpretations, but that is what I now see as the current judicial position.

Senator Grafstein: Honourable senators, it is my understanding — and I may be wrong about this — that the former Prime Minister was summoned to the courts while he was the Prime Minister. Again, it is my understanding, because there is not full evidence about this, that initially the government refused the request; and, subsequently, the former Prime Minister chose to accept the request of the court.

That is not my concern. My concern is that the courts appear to cross the line regarding the separation of powers, mandating or putting under subpoena cabinet members to give testimony in their capacity as ministers who deliberate on public policy, not in their capacity as individual citizens. Individual citizens are compellable.

It strikes me that if there is a separation of powers on any issue, there should be one between a prime minister and a cabinet member discussing public policy and the courts pursuing their particular issues. This, to me, is usurping — and I use the word carefully — the powers of Parliament, and therefore will cause the courts to set themselves up separate and apart from Parliament as the supreme legislature of the country.

Honourable senators, this is an important issue that goes to the question of the constitutional separation of powers. I apologize because I did not give appropriate notice, but I hope the Leader of the Government in the Senate will go back to the law officers of the Crown, go back to their constitutional advisers, and determine whether the courts have offended the separation of powers, which I believe, based on the preliminary and sketchy information I have —

The Hon. the Speaker: Please come to your question.

Senator Austin: Honourable senators, if what I heard from Senator Grafstein is a representation of his position and that of honourable senators, it would no doubt be an issue that the chamber would want to consider in an appropriate process at some future time.

PRIME MINISTER

AUDITOR GENERAL'S REPORT— SPONSORSHIP PROGRAM—INVOLVEMENT

Hon. Gerry St. Germain: Honourable senators, my question is for the Leader of the Government in the Senate. The Liberal Party's culture of corruption is coast-to-coast at the highest levels.

Some Hon. Senators: Oh, oh!

Senator St. Germain: It hurts, does it? Have I hit a sensitive nerve?

Now we learn that cabinet ministers, as well as staffers, were well aware that the sponsorship program was a secret slush fund available to good Liberal friends with worthwhile projects.

Senator Rompkey: Something like Airbus.

Senator St. Germain: Honourable senators, Jamie Kelley, a long-standing member of the Liberal Party, outlined how it worked: An application was not necessary; there was no process to follow. One just had to write a letter to Pierre Tremblay at the Department of Public Works, cite good Liberal credentials, and sit back and wait for an advertising agency to launder the cash. What could be easier for a good Liberal?

• (1430)

We also understand that the Minister of the Environment apparently put Mr. Kelley's case personally to then Minister Gagliano.

Does the Leader of the Government in the Senate expect Canadians to believe that Prime Minister Martin knew nothing about this scam when even constituency assistants across the country were dispensing advice on how to access this secret slush fund?

Hon. Jack Austin (Leader of the Government): Honourable senators, it is and was no secret that there was a program called the sponsorship program. Applications were submitted not only from the Province of Quebec, but also from across the country. Any constituency assistant worth his or her salt, to use an old Victorian expression, should have known about the program and, when an appropriate opportunity to apply under the program presented itself, should have moved forward. That is exactly what I believe happened in the case of the Minister of the Environment's assistant in Victoria.

That the process was inadequate and in breach of the rules is clear. That is not the fault of either Mr. Anderson or his assistant. The inadequacies in the process dealing with the sponsorship program are the subject of a great deal of activity — including inquiries and an investigation by the Public Accounts Committee. There is a great deal that is happening to get to the bottom of what actually took place.

I also wish to tell the Honourable Senator St. Germain that his rhetoric and righteous indignation impress no one.

Some Hon. Senators: Hear, hear!

Senator St. Germain: Maybe it does not impress Liberals — but I am not trying to impress Liberals.

PUBLIC WORKS AND GOVERNMENT SERVICES

AUDITOR GENERAL'S REPORT—SPONSORSHIP PROGRAM—INVOLVEMENT OF MINISTERS

Hon. Gerry St. Germain: Honourable senators, Mr. Anderson was not at fault, yet he obviously knew of the process. A Minister of the Crown allowed a process to proceed without an application, without a process to follow; one needed simply to write a staff member in Public Works.

Did the Leader of the Government in the Senate know that this slush fund existed? My office certainly knew nothing about the existence of the slush fund. Did the Leader of the Government's office take advantage of the slush fund in question?

Hon. Jack Austin (Leader of the Government): Honourable senators, my office was next to the honourable senator's. I did not hear anything from his office, nor did he hear anything from my office, about the sponsorship program. I knew nothing of it, nor was it ever brought to my attention.

In addition, senators are not often active in constituency work, but members of the House of Commons have that as their major assignment.

From time to time I try to assist other members of Parliament in my province — perhaps it is different on the other side — but I have never had a constituency load to discharge.

Senator St. Germain: Honourable senators, the honourable senator was in the Fraser Valley talking to Langley city and Langley district about constituency items. I do not know what he was doing, if that is not constituency work, which I do a fair amount of. Having been a former member of the House of Commons for a British Columbia riding, I am often asked to deal with immigration issues.

In fact, an issue came forward in regard to one of our annual events in British Columbia — they were seeking funds. I spoke to the government leader about this issue, advising him that it might come forward. Yet the Leader of the Government is telling this chamber that he does not do constituency work. I think he does — but I am not saying that he knew anything about the sponsorship program.

I would like all senators to know that I do not eavesdrop on the office of the Leader of the Government in the Senate. Even though we are neighbours, I am respectful of whatever it is he is doing.

Last week, the Prime Minister assured us that he spoke to every cabinet minister about his or her knowledge of unacceptable activities. Perhaps the Prime Minister may wish to go back and explain that unacceptable activities include secret slush funds only available to good Liberals. We are not saying this; Mr. Kelley is saying this.

In his interview with the Prime Minister, did Minister Anderson mention helping Mr. Kelley get his festival funds — I am not questioning the festival; this is a question of how the money flowed from the advertisement agency — from the Liberal slush fund, or was that considered acceptable behaviour in the Liberal caucus, the Liberal cabinet, or what have you?

Senator Austin: Honourable senators, when I said I did not do constituency work, I do receive representations and I give them to members of Parliament to manage. I wish to be clear that I want to support, in my case at least, the members of Parliament from my province. The honourable senator opposite may not do that with respect to the members of Parliament from his province, but that is a choice each one of us makes.

With respect to the application for an overpass at Langley — this is an application from a city and a municipality, both, to the province and the federal government — I was speaking in Langley, advancing the cause of the Glenugie Winery there. I trust honourable senators do not mind my mentioning an enterprise in Langley, British Columbia. In that regard, I received this representation and passed it on to the British Columbia Liberal caucus.

With respect to the question relating to Minister Anderson and the application to the sponsorship fund, I fully answered that question. It is a perfectly normal operation for a member of Parliament and a constituency assistant who is aware of a public program — and he should be aware of it if he is doing his job — to make an application under that particular program.

The deficiencies in the way the program was administered have been revealed to a considerable extent by the government and by the Auditor General. Those deficiencies have nothing to do with either Minister Anderson or his assistant.

AUDITOR GENERAL'S REPORT—SPONSORSHIP PROGRAM—AVAILABILITY OF FUNDS

Hon. Gerry St. Germain: The honourable senator, in relation to another subject, said that we are all supposed to be equal. I worked in the Pemberton Valley. There was a group of world-class rowers there, for whom we sought funding, but there was no way any federal funding was available.

My question to the Leader of the Government in the Senate is this: Did all members of Parliament know of this fund and how it operated? If so, why is it that that information is only coming out now? It is obvious that only Liberals members of Parliament had knowledge of this slush fund and were aware of the way it was administered and how the funds were accessible.

I have worked with other members of Parliament in the province — and I would work with any member of Parliament. The inference of the Honourable Leader of the Government that I do not is totally false, because I do. I would work with him; he knows that. I have worked with Senators Lawson and Austin on various initiatives, and will continue to do so.

By every indication, this sponsorship fund was administered in such a way that it was accessible only to Liberals. If it was not, in what way was it presented to the other members of Parliament? Exclude senators; let us just talk about members of the House of Commons.

Hon. Jack Austin (Leader of the Government): Honourable senators, it is my information that a number of members of Parliament from across Canada made applications for funding under the sponsorship program and that funds were awarded. I include members of the opposition. If the honourable senator would like a list of non-Liberals who made application and received funds under the sponsorship program, I shall endeavour to obtain that information for him.

Some Hon. Senators: Hear, hear!

[Senator Austin]

AUDITOR GENERAL'S REPORT—SPONSORSHIP PROGRAM—INVOLVEMENT OF OFFICIALS

Hon. Marjory LeBreton: Honourable senators, I am not trying to impress anybody with this question, other than trying to get to the bottom of it. This is a sad and disgusting tale.

• (1440)

Honourable senators, today we learned, thanks to *Canada AM*, that allegations of corruption at the highest level of the Liberal Party reach all across Canada: money laundering, shopping trips at exclusive shops for the wives of senior political figures and condos for special entertainment of a questionable nature, all being paid for with taxpayers' money, courtesy of Liberal-friendly advertising agencies. On Sunday, we read in the *Ottawa Sun* of expensive bottles of wine — \$4,500 per bottle — purchased through this covert system.

Can the Leader of the Government in the Senate tell us who these senior people are, how long the practice has been going on and how much money was lifted from hard-working Canadians? These are shocking, sad and disgusting revelations.

Hon. Jack Austin (Leader of the Government): Honourable senators, I have no idea to what the Honourable Senator LeBreton is referring. I did not watch *Canada AM* this morning. I do not know who said what about what, or anything at all about the assertions she is making. However, I will watch the program and then make inquiries.

The language of the Honourable Senator LeBreton is not language that I would want to use myself, and I would like to caution other senators with respect to allegations by unnamed people about unnamed people. This is not the kind of search for the truth in which I believe the political system, initiated by the present government, is engaged.

Senator LeBreton: Honourable senators, I think what is happening is that many people who heretofore were afraid to speak up are speaking to journalists. I think that is where these stories are coming from.

AUDITOR GENERAL'S REPORT—SPONSORSHIP PROGRAM—INVOLVEMENT OF MINISTERS

Hon. Marjory LeBreton: Honourable senators, allegations are being made about cabinet ministers in the current cabinet. About a week ago, the Prime Minister said that he had interviewed his cabinet about unacceptable activities. Obviously, something was left out of the conversations.

Has the Prime Minister gone back to his ministers and held private conversations with each and every one of them, and asked him or her to tell him what they know?

Hon. Jack Austin (Leader of the Government): Honourable senators, there is no information that indicates that anything relevant was not disclosed to the Prime Minister.

AUDITOR GENERAL'S REPORT—SPONSORSHIP
PROGRAM—ALLEGED LAUNDERING OF FUNDS

Hon. Terry Stratton: Honourable senators, the dry-cleaning scandal gets worse. Last weekend, Greg Weston reported in the *Ottawa Sun* that taxpayers' dollars were used to buy government officials Château Pétrus wines at \$450 per bottle —

Senator LeBreton: Four thousand five hundred.

Senator Stratton: On a Team Canada trip to Hong Kong, an advertisement executive picked up the cost of Pétrus wine at dinner so that it would not appear on a government expense claim. The expense was then dry cleaned by the advertising agency, which charged the amount back to the government as another expense.

Can the Leader of the Government in the Senate tell us how widespread this practice is and how much the taxpayer has been taken for?

Hon. Jack Austin (Leader of the Government): Honourable senators, I want simply to refer the honourable senator to my answers to Senator LeBreton. There is no basis for these allegations of which I am aware. I will make inquiries, but unnamed allegations by unnamed people about other people have no value whatsoever.

Senator Stratton: Honourable senators, it was not just the wine that was bought and dry cleaned; expenses for exclusive salmon fishing trips at \$3,500 per person per day were picked up by the advertising agencies and, as an additional bonus, a case of the Château Pétrus wine would be thrown in.

Can the Leader of the Government tell us if these outrageous and corrupt practices have stopped, or will Canadians learn that more of their tax dollars have been laundered into other exotic purchases?

Senator Austin: Honourable senators, has the Honourable Senator Stratton allegations to make with respect to any particular person — any employee of the Government of Canada, any minister, any member of Parliament? Is this just dust thrown up in the air or does he have real information? Is he prepared to tell the Senate whom he is accusing of what?

AUDITOR GENERAL'S REPORT—SPONSORSHIP
PROGRAM—INVOLVEMENT OF CROWN AGENCIES

Hon. Gerald J. Comeau: Honourable senators, it has been two weeks since the Auditor General released her report about government corruption and money laundering. Ms. Fraser outlined numerous instances of Crown corporations being involved in cutting cheques based on a phone call without contracts or even an invoice. Notwithstanding the suspension of the presidents of VIA Rail, the Business Development Bank of Canada and Canada Post, will the Prime Minister endeavour to find out how such actions took place without their being caught in the annual audits of these Crown corporations? Has the Prime Minister asked why those activities were not detected by the audits?

Hon. Jack Austin (Leader of the Government): Honourable senators, the Prime Minister asked the President of the Treasury Board to make inquiries and obtain that information. The President of the Treasury Board was also asked to advise the Crown corporations mentioned in the Auditor General's report to report why they did not have adequate controls in place and whether, when it was discovered that they did not have such controls, they took immediate action, first, to put controls in place and, second, to audit and analyze the events that took place and learn who was responsible for them.

Senator Comeau: Honourable senators, will the Leader of the Government in the Senate tell us whether the Auditor General will be given access to the books of these Crown corporations, and whether those Crown corporations will be made subject to the Access to Information Act? In that way, we can assure Canadians that these kinds of activities will no longer take place, that they will not be hidden by an internal audit, and that the Auditor General, whom Canadians trust and respect, is making decisions on the books of these Crown Corporations?

Senator Austin: Honourable senators, each of the Crown corporations to which the Honourable Senator Comeau is referring — Canada Post, VIA Rail and the Business Development Bank — are served by very well known and highly reputable private auditing firms. I hope there is no allegation that those auditing firms failed to do their work, or that they do not have the highest level of competence in doing their work.

With respect to the balance of the question, there are interesting issues of public policy there. As honourable senators know, the three Crown corporations mentioned are commercial corporations that operate in the commercial sphere and have commercial proprietary information. Therefore, it is questionable whether the access to information legislation should be applied to them in full, or at all.

With regard to the question of an ongoing role for the Auditor General, the Auditor General believes that she and her office should have such a role, and the matter is being considered.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, for greater clarification, if the Auditor General requires a special decree in order to be able to examine the books of Canada Post, will the government grant that necessary decree?

Senator Austin: Honourable senators, my present information is that that issue is being considered at this time.

SOLICITOR GENERAL

OVERSIGHT OF INTELLIGENCE AGENCIES

Hon. A. Raynell Andreychuk: Honourable senators, one finding in the Auditor General's report is that the activities of Canada's security and intelligence agencies are not subject to consistent levels of review and disclosure. Surprising, too, for most Canadians will be the number of agencies and departments, and agencies within departments, that have an intelligence-gathering capacity. The lack of consistent oversight of these organizations and the number of them spread across the government opens the door to the possibility of abuse of power.

For instance, I worry that those agencies subject to oversight might ask those agencies less subject to oversight to carry out certain tasks on the supervised agency's behalf, which tasks might involve an abuse of power or wrongdoing. This is especially worrisome in today's legislative environment where human rights and privacy issues run a distant second to security concerns.

• (1450)

My question for the Leader of the Government in the Senate is this: Why are some government intelligence agencies subject to oversight while others are not?

Hon. Jack Austin (Leader of the Government): Honourable senators, I think that is a question of public policy, and it is receiving high-level attention at this moment.

Senator Andreychuk: Honourable senators, I know that Minister McLellan will have some oversight roles to play, but in a democratic legislative setting, there should be an oversight of the actions of government. We fought hard for CSIS to have such an oversight role of government action. In the aftermath of September 11, anti-terrorism legislation was put in place, yet we do not know what level of scrutiny there is in some places and how our rights are being tampered with. How long will it take before we can find this out?

Senator Austin: Honourable senators, I cannot address the question of how long it will take. I can only say that there is an active examination of the issue.

I would also like to advise the Senate that I received a letter from the Deputy Prime Minister, a copy of which was sent to the Leader of the Opposition, the Honourable Senator Lynch-Staunton, suggesting that the Standing Senate Committee on National Security and Defence, along with a similar committee in the other place, cooperate in an overview of a possible parliamentary mechanism to deal with questions of national security. The process begins with a dialogue between parliamentarians on those two committees to set out terms of reference.

The objective of the proposal is to follow, if so desired, a parallel type of mechanism that is in place in the United Kingdom, Australia and some other countries under which members of this chamber and members of the other place would serve as parliamentarians with oversight of these issues. Those parliamentarians would be sworn in to the Privy Council, if they were not already Privy Councillors. Certain restraints with respect to disclosure of information given to them as Privy Councillors would be necessary.

One of the issues to be considered is whether parliamentarians would agree to remove themselves from a partisan role in these issues. For example, if the Honourable Senator Andreychuk were asked to serve on such a committee, she would no longer be able to ask the questions she just asked me.

Senator Andreychuk: Honourable senators, my concern is

precisely that. We must continue to look at our safety and security. The government is introducing a measure to do just that.

Of equal concern is that the agencies which deal with security are held in check and that we do not unreasonably lose our human, civil and privacy rights. The mechanisms that have been put in place are very much the subject of debate in other countries, but that is only half the job. It is necessary to ensure that we are doing all we can in the areas of security, safety and protection. That is what I hear the Leader of the Government in the Senate saying.

Yes, I would serve in such a role, gladly giving up my partisan role to ensure that Canada's safety comes first.

At the same time, I am extremely concerned that while we grapple to have these security measures put in place, we are losing rights, including privacy rights. The question is: Do we have to pay that price?

I hope that the government will take a balanced approach to studying the issues surrounding safety and security. There are two sides to the issues.

Senator Austin: Honourable senators, I acknowledge entirely the paradox of public safety for the Canadian community and individual rights and freedoms. There is always a trade-off. Trying to understand where the trade-off line should be is a difficult exercise. It is the responsibility of us all.

AUDITOR GENERAL

SPONSORSHIP PROGRAM—RELEASE OF REPORT

Hon. Jack Austin (Leader of the Government): Honourable senators, I want now to answer a question asked of me yesterday by the Honourable Senator Angus, which I undertook to answer today.

To paraphrase the question, the honourable senator asked: When did the government receive the Auditor General's report, and when did the Prime Minister become aware of the contents of that report?

The Auditor General made draft copies of her report available to the previous government shortly before the anticipated tabling date in November. Making draft audits available and discussing them with those departments that are subject to the audit is a normal part of the audit process.

The Auditor General has also adopted the practice of sharing her reports with central agencies — that is, the Privy Council Office, the Treasury Board and the Department of Finance — for briefing purposes, once the report is finalized.

As per the usual process, the present Prime Minister was briefed on the findings of the Auditor General shortly after he became Prime Minister.

POINT OF ORDER

Hon. David Tkachuk: Honourable senators, I wish to raise a point of order.

As I was not here on Friday, I was surprised to notice that on that day it looks as if there were two meetings of the Senate, as set out in the *Debates of the Senate* for Friday, February 20. I refer honourable senators to page 331 of the Hansard for that day, which states:

The Hon. the Speaker: Honourable senators, in accordance with our rules, we now stand adjourned automatically until the next sitting.

I wish to quote the rule with which His Honour was in accord. Rule 39(5) states:

When an Order of the Day has been called, to which a specified period of time has been allocated for its consideration, and is under consideration:

(b) when the question is put pursuant to sub-paragraph (a) above, the Speaker shall thereupon declare that a motion to adjourn the Senate has been deemed to have been made and adopted and leave the Chair until the time provided for the next meeting of the Senate;

Honourable senators, at that point, the Senate stood adjourned until the next sitting of the Senate, which would be Monday, February 23. According to rule 39(5)(b), this is automatic. His Honour was to leave the Chair.

His Honour is then recorded in the *Debates of the Senate* as having said:

However, Senator Kenny has requested the floor to request leave. For that to happen, I need your unanimous consent giving him leave and permission to do so. Is leave granted?

Whose unanimous consent was His Honour seeking? The sitting was adjourned. There was no session. The rule is clear. As well, it was clearly stated by His Honour that the Senate was adjourned.

The point of order I raise concerns my right to be in the Senate when business is conducted. It is not enough that I had to miss a day, which I did through no fault of my own. I missed further business that should not have been conducted because the sitting of the Senate was adjourned.

My right as a senator is to know that when the Senate adjourns, it stands adjourned. We cannot go around doing business after we adjourn to the next sitting of the Senate.

This is a serious breach of the *Rules of the Senate*, honourable senators. A small group of senators from both sides of this chamber, at the behest of His Honour, agreed that the Senate would conduct business even though the Senate had adjourned until the next sitting of the Senate.

The point of order also calls into question what happened during that sitting of the Senate that was not supposed to happen because the Senate was adjourned. It calls into question the status of the two motions that were passed by the Senate. Did the National Security and Defence Committee have permission to sit yesterday afternoon?

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I think His Honour will find that there is no point of order. We went through all of that on Friday. It is too bad the honourable senator was not here on Friday to experience the joys of the day that the rest of us experienced, but I am sure he was engaged in other more worthwhile pursuits.

We dealt with that issue. Your Honour ruled. I was the one who adjourned the Senate. There was no adjournment until all our business had been properly conducted. We have been through that debate, involving both sides of the chamber, and I feel that there is absolutely no point of order here.

• (1500)

The Hon. the Speaker: Do any other honourable senators wish to intervene? If not, Senator Tkachuk, do you wish to make a final comment?

Senator Tkachuk: Honourable senators, in response to Senator Rompkey, I am reading what happened. I am not reading what he thinks happened. I am reading what happened, and what happened is that the Senate was adjourned. Your Honour adjourned the sitting, and it is automatic; Your Honour said so:

Honourable senators, in accordance with our rules, we now stand adjourned automatically until the next sitting.

That is recorded in the Hansard. I am not making this up. I am asking, on a point of order, if the Senate is adjourned, how can it conduct business, and if the business that it conducted is valid?

Hon. Sharon Carstairs: Honourable senators, I am having great difficulty in knowing what the honourable senator is quoting from. On page 330 of *Debates of the Senate*, it says, "The sitting of the Senate was suspended." It then says, "The sitting of the Senate was resumed."

Senator Tkachuk: I was reading from page 331.

Senator Lynch-Staunton: It is right toward the end.

Senator Tkachuk: It is on page 331, Senator Carstairs, right at the bottom, under "Business of the Senate."

Senator Carstairs: Honourable senators, if you go to the next part, obviously after 5:30, after the vote:

Honourable senators, in accordance with our rules, we now stand adjourned automatically until the next sitting. However, Senator Kenny has requested the floor to request leave. For that to happen, I need your unanimous consent giving him leave and permission to do so. Is leave granted?

The honourable senator opposite should know that, despite the *Rules of the Senate*, when leave is requested and unanimous consent is given, the rules are suspended. The rule was suspended because there was unanimous consent.

The Hon. the Speaker: Did you wish a final comment, Senator Tkachuk?

Senator Tkachuk: Someone could have asked leave to suspend the adjournment, but no one did. From what I understand, the rules clearly state that when this business took place, and it was restated in the minutes and in the debates, business was finished and the Senate had adjourned. Therefore, no other business should have been conducted.

Hon. Anne C. Cools: Honourable senators, there is clearly some confusion. I should like to say, in response to the last intervention, that unanimous consent is leave, which is the permission of the senators to suspend a rule temporarily. That is what unanimous consent is. Unanimous consent cannot be used as a means of creating a motion or an order of the Senate. In other words, it is not an enabling power. It cannot create a positive power.

Honourable senators, the automatic adjournment of the Senate is in the nature of an order of the Senate. It is more than a rule. Honourable senators, perhaps at some point we should have a debate on the difference between the rules and orders and standing orders. Rules guide decisions. Orders are decisions already taken.

The fact of the matter is that once a decision has been taken, it is not easily overcome. I have said this again and again. Repealing an order of the Senate takes a special process called rescission of an order, and it goes on notice, and a motion is required. There is a big difference between what can be done in this chamber by unanimous consent and what can be done by an order of the Senate and by a motion. Perhaps at some point in time we should have a debate here to give clarification on the two issues, because these mistakes are being made again and again.

Senator Comeau: Good point.

The Hon. the Speaker: Honourable senators, I thank Senator Tkachuk for his point of order, and honourable senators for their interventions.

The question is one I think we can deal with on two grounds: One is the timeliness in raising the matter in question. The motions passed with unanimous consent were with respect to matters that had already taken place. For a remedy to be given, if the point of order were a good one, it would have had to have been raised before the matter that it related to was executed or completed. It is not our practice to go back to rescind or nullify a proceeding that was carried out with unanimous consent.

The other reason that I believe the point of order is one which does not affect matters that we have dealt with in this house is well covered in *Beauchesne*, sixth edition, at paragraph 18 on page 7. I will read Part 1 and Part 2. They deal with unanimous consent:

(1) Within the ambit of its own rules, the House itself may proceed as it chooses; it is a common practice for the House to ignore its own rules by unanimous consent. Thus, bills may be passed through all their stages in one day, or the House may decide to alter its normal order of business or its adjournment hour as it sees fit.

(2) The House is perfectly able to give consent to set aside —

This is the most relevant part:

— its Standing Orders and to give its unanimous consent to waive procedural requirements and precedents concerning notice and things of that sort.

That is perhaps the strongest ground we have in terms of the authorities that we rely on in this place.

Accordingly, there is no point of order.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I call, as the first order, Bill C-4, and the other orders of Government Business can proceed as they stand on the Order Paper.

PARLIAMENT OF CANADA ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Jack Austin (Leader of the Government) moved the second reading of Bill C-4, to amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer) and other Acts in consequence.

He said: Honourable senators, this may be the most important speech I will make in the Senate — important to me and, I submit, to the Senate. I beg your attention and careful consideration.

On February 11, 2004, the House of Commons reinstated a bill that was the subject of intense debate when it was before us when last we met in November 2003. I refer, of course, to the former Bill C-34, to create an independent ethics commissioner for the House of Commons who would also have responsibility for most public office-holders, including the ministry, and also to create an independent Senate ethics officer who would report to, and be responsible to, the Senate.

Bill C-4, which is now before us for approval in principle or second reading debate, is designed to fulfil the commitment of the government headed by Prime Minister Paul Martin as laid out in the Speech from the Throne on February 2, 2004, and in the action plan for democratic reform tabled in the Senate on February 4, 2004.

The keystone principle of this proposed legislation to amend the Parliament of Canada Act is that ethics and integrity are at the core of public confidence in government and in the political process. No issue in the public domain is more debated today than is the issue of integrity in government, in the private business sector and even in religious institutions.

Honourable senators may argue that we are not touched at this time by any issues that challenge the integrity of senators. The behaviour of no senator, nor the institution of the Senate, is the subject of public concern at this time. However, honourable senators, we are part and parcel of the federal democratic system. The Parliament of Canada, with its included ministry, for some time has been the subject of public concern, for the standards of behaviour of some of its members and members of the public service. We are a part of a greater institutional family: the Parliament and the Government of Canada. The public demands that all their institutions of governance set the highest objective standards for the performance of public duty.

• (1510)

As we are now called upon to act, honourable senators, let us do so in a manner that will do the greatest credit to our own public responsibilities and meet the high expectations that the public of Canada rightly demands of their political and public servants.

Bill C-4 comes to us in the identical form in which it was passed by the other place on October 1, 2003. The amendment, which was passed by the Senate at third reading on November 7, 2003, is not a part of this bill. This is the result of an unusual set of circumstances. The message sent by this chamber to the other place after third reading here was never received as the other place had adjourned and then Parliament prorogued. We have an opportunity, then, to revisit the issues raised in the last session, an opportunity truly to be a chamber of sober second thought, prepared to reconsider even our own actions.

Let me first briefly describe the bill. The bill would amend the Parliament of Canada Act, which, next to the Constitution, most governs our role and responsibilities. As I have said, Bill C-4 would provide for the appointment of an independent ethics commissioner for members of the House of Commons and public office-holders and for the appointment of an independent Senate ethics officer. This is all the bill will do. It will not set out the rules of conduct that would govern senators' activities. Those will be set out by this chamber in the Senate rules. The bill would simply provide for the appointment of a Senate ethics officer and set out the terms of office, including the possible grounds for his or her dismissal. He or she would only perform the duties and functions assigned by this chamber, and they would be performed entirely within the institution of the Senate and under the exclusive control of the Senate.

This is explicit in section 20.5(1) of the bill, which reads:

The Senate Ethics Officer shall perform the duties and functions assigned by the Senate for governing the conduct

of members of the Senate when carrying out the duties and functions of their office as members of Senate.

Honourable senators, I believe that when we debated this bill in the last session, there was general consensus that indeed the time had come to update the rules that govern our conduct in this place and that an independent person to oversee these rules would be a positive addition. A point of contention among honourable senators was the manner of appointment of this independent person.

Again, the issue is not whether the person should be independent. It is fair to say that everyone in this chamber wants to ensure that the person to whom we would turn to on matters of code of conduct would be independent and clearly be seen to be independent, both of the Senate and of the Governor in Council. In other words, we do not want a Senate ethics officer to be or seen to be under any taint that would be argued as an undue influence on the performance of the duties that the *Rules of the Senate* would provide.

The key issue for a number of senators was something quite different. It was preserving the independence of the institution of the Senate and the right to govern its internal affairs free of the control of the executive. This is a long-standing parliamentary right that goes back to time immemorial. For this reason in particular, a number of senators expressed deep concern with the provision in the bill that the Governor in Council would initiate the appointment of the Senate ethics officer. The assumption contained in the concern was that a name would be sent without there being any initial steps to ascertain the views of the Senate.

It appeared that section 20.1 gave the Governor in Council the role of choosing the name to be submitted and the Senate the role of accepting and submitting; in other words, it appeared that the Prime Minister's office, by sending us a name, would be directing our choice. The argument was made that the whip would be on and that the Prime Minister's Office would have its way. In the matter of appearance, we wondered how a name sent to us by the Governor in Council in that way could appear to be a person independent of the Prime Minister's Office.

Let me now address this issue. As we all know, there is some urgency to put in place the proposed independent ethics commissioner for the members of the House of Commons and public office-holders described in this bill, and concurrently to put in place an independent Senate ethics officer. Issues now in play in public debate and public concern argue for these steps to be taken quickly to strengthen support and respect for Parliament and the institutions of government.

However, to meet the key concern of senators for both the substance and the appearance of independence, I am proposing on behalf of the government a procedure for the appointment of a Senate ethics officer that I believe will meet both objectives. Let me note, however, the exact wording of section 20.1:

The Governor in Council shall, by commission under the Great Seal, appoint a Senate Ethics Officer after consultation with the leader of every recognized party in the Senate and after approval of the appointment by resolution of the Senate.

Nothing in that section says whether the Governor in Council must initiate the name or whether the Senate would initiate the name. As this is a critical issue in the appearance of the Senate's independence, on behalf of the government I now make a commitment that prior to sending the Senate the name of any person to be proposed to the Senate to be a Senate ethics officer, the Leader of the Government in the Senate shall be authorized to consult informally with the leaders of every recognized party in the Senate and with other senators and shall be authorized to submit to the Governor in Council the names of such persons who shall, in the opinion of the Leader of the Government in the Senate, have the favour of the leaders of every recognized party, as well as the support of the majority of the senators on the government side and the majority of the senators on the opposition side.

The Governor in Council, in turn, will make every effort to accommodate the interests of the Senate in ensuring that the Senate ethics officer is both seen to be independent and is in fact independent in the discharge of those duties that will be assigned to the Senate ethics officer under the code of conduct the Senate decides to adopt.

Honourable senators, on November 6, 2003, Senator Bryden argued very strongly in this chamber that giving the Governor in Council the power to appoint an office of the Senate would be an unprecedented encroachment by the executive on the traditional powers the Senate. Specifically, he said:

In my opinion, with respect to the statutory right of the executive, that is, the Prime Minister's Office, to appoint, — I have read the act; there will be consultations, et cetera — the bottom line is that that statutory right to appoint, reappoint or discharge, and the only avenue of oversight of the officer of the Senate of Canada is the first major infringement of this type of executive power on the independence and the autonomy of this chamber. I fear that it has long-term implications for the proper functioning of this chamber and for our performance of our constitutional obligations."

Like all honourable senators, I have the highest respect and regard for Senator Bryden and have learned to listen very carefully to his arguments and to take them seriously. As a result, I researched the issue. My conclusion is quite different. Far from being an infringement on the independence and autonomy of this chamber, having the Governor in Council appoint Senate officers in fact is the traditional approach in our parliamentary system. It is part of the balance of responsibility that is and has been used in our parliamentary democracy since Confederation, and it works well. Citation 218 of *Beauchesne's Parliamentary Rules & Forms*, sixth edition, states:

The appointment of Officers in the service of the House is the prerogative of the Governor in Council and not the Speaker or the House of Commons.

This, of course, concerns the other place but applies as well with respect to the Senate chamber, and this is what is reflected in section 20.1 of the bill before us. Accordingly, far from correcting an anomaly, it is the amendment put forward in November by Senator Bryden that would have changed the traditional balance of responsibility in our parliamentary system. This balance has worked effectively for Canadian democracy and I believe it continues to work effectively. I do not think anyone here would suggest that any of the Officers of the Senate who have been appointed in this manner have been in any way beholden to the executive or less than fully devoted to the highest-quality service to this chamber.

• (1520)

The appointment of key office-holders in the Senate by the Governor in Council is in fact found in our Constitution, in our statutes and in long-established practice predating Confederation. In our Constitution Act, 1867, section 34, we find the following:

The Governor General may from Time to Time, by Instrument under the Great Seal of Canada, appoint a Senator to be Speaker of the Senate, and may remove him and appoint another in his Stead.

In our statutes, we find section 40 of the Public Service Employment Act, which provides:

The Governor in Council may appoint and fix the remuneration of...

(c) the Clerk of the Senate.

In our practice, the Usher of the Black Rod is appointed by Governor in Council not on the basis of specific constitutional or legislative authority but because this was the practice in the pre-1867 legislative bodies, and it was carried forward into Canada's new Parliament.

Governor-in-Council appointments have a very strong and long-standing tradition when it comes to key office-holders in the Senate. In fact, one could argue that the tradition in the Senate is even stronger than in the House of Commons because, though the Constitution provides for the election of the House of Commons Speaker, it specifies that our Speaker is appointed by the Governor in Council. Other officers of Parliament who are appointed by the Governor in Council include the Auditor General, the Information Commissioner and the Privacy Commissioner.

Honourable senators, I believe we would be hard pressed to argue that we trust the Governor in Council to appoint someone sufficiently independent of government to be entrusted with auditing the government's accounts for the Canadian public but that we do not trust the Governor in Council to appoint someone

sufficiently independent to advise the members of this chamber on our ethical duties and responsibilities. Certainly, the events of the last few weeks have not given rise to even a whisper of criticism that the Auditor General is behaving as if she were somehow beholden to the executive because of the manner of her appointment.

As a matter of parliamentary tradition, which includes the preservation of the traditional independence of the Senate, I believe that the appointment of the officers of Parliament by Governor in Council is in complete accordance with precedents dating back to Confederation. However, honourable senators, as a practical matter, in view of the unique nature of this person's office, the government has gone one step further. The testimony heard by the Rules Committee last year and, indeed, the testimony heard by previous parliamentary committees that studied the issue was absolutely clear: The person appointed to this position must be someone who in fact enjoys the broad-based confidence of the senators he or she would serve on both sides of this chamber. Robert Clark, then ethics commissioner of Alberta, testified last year before the Rules Committee that, in his view, anyone who would take on this kind of job without broad-based initial support would be extremely foolish. He simply did not see it happening.

Ted Hughes, one of the deans of this field, who is now conflict of interest commissioner of the Northwest Territories and who formerly served in the same position in British Columbia, concurred entirely with that assessment.

The bill provides a double-sided procedure to ensure that the Senate ethics officer enjoys such broad support. The Governor in Council would appoint the officer, as is traditional in our parliamentary system, but only after receiving the advice of the Leader of the Government in the Senate in the manner I have outlined in this address.

Honourable senators, we have come a long way on this issue. The original proposal from the government was for a single ethics commissioner who would oversee codes of conduct for members of the Senate, the House of Commons and public office-holders. Members of this chamber expressed their strong, principled opposition to this proposal. This was changed, and the bill before us now would see the appointment of an ethics commissioner for members of the House of Commons and for public office-holders, and a separate ethics officer for members of this chamber.

The original proposal had the ethics commissioner appointed by the Governor in Council, period. There was no provision for consultation or approval of the appointment by either chamber of Parliament. Members of this chamber and the other place voiced their strong opposition to that proposal. This, too, was changed, and the bill before us now would require prior consultation with the leader of every recognized party in the Senate and approval of the appointment of the Senate ethics officer by resolution of the Senate. At the same time, the provisions of the bill before us ensure that the Senate ethics officer has security of tenure so that

he or she will not feel pressure or be seen as potentially feeling pressure to act in any way other than that dictated by the justice of the particular situation.

Honourable senators, we know how critical security of tenure is to the independence and the perceived independence of judges, and, indeed, of the senators as well. The principle is no different here. We are the ones who may be advised by the Senate ethics officer. In the interests of upholding the integrity of the Senate, we cannot allow ourselves to be seen as in any way potentially influencing advice or recommendations of this officer by our power over his or her tenure in that position.

Section 20.2(1) of the bill provides that the Senate ethics officer may be removed only for cause and only "by the Governor in Council on address of the Senate." In other words, honourable senators, this person would not serve either at our whim or that of the Prime Minister of the day. The Prime Minister simply would not have the power to dismiss the Senate ethics officer. He or she could be removed by the Governor in Council only for cause and only on address of the Senate. At the same time, our ability to dismiss the Senate ethics officer would be constrained to those cases where there is cause for his or her removal. The involvement of the Governor in Council is a further check to ensure the Canadian public, as well as the Senate ethics officer, herself or himself, that our ethics officer is truly independent, and by enshrining these provisions in the statute, we ensure that we ourselves, or members of this honourable chamber in the future, cannot unilaterally change these critical provisions.

Honourable senators, I want to make specific mention of section 20.2(2) in Bill C-4 regarding the occurrence of a vacancy. Section 20.2(2) provides as follows:

In the event of the absence or incapacity of the Senate Ethics Officer, or if that office is vacant, the Governor in Council may appoint a qualified person to hold that office in the interim for a term of up to six months.

Once again, honourable senators, this is simply consistent with the powers provided in other statutes with respect to other officers of Parliament. The Privacy Act, the Access to Information Act and the Auditor General Act each provide for the appointment by the Governor in Council of a qualified person to hold the particular office on an interim basis in the event the position is vacant or the current office-holder is absent or incapacitated. This is notwithstanding the fact that the Privacy Commissioner and the Information Commissioner may only be appointed by the Governor in Council after approval of the appointment by resolution of the Senate and House of Commons, a similar procedure to that set out in Bill C-4.

This is a system that has been acceptable to us and has worked well with respect to the Privacy Commissioner, the Information Commissioner and the Auditor General, and I am confident will similarly work well with respect to the Senate ethics officer.

Other and important issues were raised by honourable senators in the debate on Bill C-34 last October and November. I should now like to provide to honourable senators my views on the arguments made in those debates.

Senator Joyal, in an address to the Senate on October 22, 2003, spoke of his concerns with respect to sections 20.5(2) and 20.6(1), (2) and (3). I believe it is important to refer to these provisions specifically. Section 20.5(2) reads as follows:

The duties and functions of the Senate Ethics Officer are carried out within the institution of the Senate. The Senate Ethics Officer enjoys the privileges and immunities of the Senate and its members when carrying out those duties and functions.

Section 20.5(5) states:

For greater certainty, this section shall not be interpreted as limiting in any way the powers, privileges, rights and immunities of the Senate or its members.

The drafting of this language comes directly from the advice that Mr. Mark Audcent, the Senate law clerk and parliamentary counsel, made to the Standing Senate Committee on Rules, Procedures and the Rights of Parliament. The conclusion of Senator Joyal's argument was that the above sections would not be respected by the judicial process because, in his view, section 18 of the Constitution Act, 1867, states that the Senate can only enjoy the same privileges as existed in the British parliament at the time of Confederation. He reasons that, as there was no House of Lords ethics officer at that time, there can be no privilege that our Parliament can extend to a Senate ethics officer today. We are thus, in his reasoning, caught by the dead hand of the past.

• (1530)

However, later in his argument, Senator Joyal also refers to the case of *Ross v. Edwards*, a 1990 decision that found that the Register of Interests used in the House of Lords, by which its members declare and record certain positions which they hold in the private sector, is not a privileged document. The court also made clear that Parliament has abundant power to extend the privilege by statute.

Honourable senators, Senator Joyal concludes that as long as the British have not legislated or so long as we have not changed our Constitution, we cannot legislate to extend privilege to a Senate ethics officer.

With respect, I absolutely disagree with his conclusion. What *Ross v. Edwards* says is that Parliament has, and has always had, the power to extend privilege via legislation. It had that power in 1867 and we have it, too. The court in *Ross v. Edwards* did not at any time say that extending the privilege to a Register of Interests went beyond the concept of a proper parliamentary privilege. It says that if you want this privilege, then legislate it. That is what we propose to do here.

[Senator Austin]

The issues we are dealing with in this bill fall squarely within the core of traditional parliamentary privilege. In the Supreme Court of Canada case of *Harvey v. New Brunswick (Attorney General)*, now Chief Justice McLachlin wrote:

The history of the prerogative of Parliament and legislative assemblies to maintain the integrity of their processes by disciplining, purging and disqualifying those who abuse them is as old as Parliament itself.

That prerogative is set out in our Constitution, in our statutes, particularly the Parliament of Canada Act, and in our rules. Citation 33 in Beauchesne's sixth edition explains that:

The most fundamental privilege of the House as a whole is to establish rules of procedure for itself and to enforce them. A few rules are laid down in the Constitution Act, but the vast majority are resolutions of the House which may be added to, amended, or repealed at the discretion of the House.

Honourable senators, there is nothing to prevent Parliament from clarifying its privileges by either statute or resolution. That is what we would be doing in section 20.5(2).

The Judicial Committee of the Privy Council and the Supreme Court of Canada have never adopted the dead hand approach to Constitutional interpretation. In the arguments I put forward in the Nisga'a Final Agreement Act debates four years ago, I referred to the "living tree doctrine" of Lord Sankey, which has been followed many times by the Supreme Court of Canada. For judicial flexibility, we need only to recall the advisory opinion of the Supreme Court of Canada in the 1981 reference and its advice on conventions of the Constitution.

Senator Furey made an important contribution to the debate on this legislation when he addressed the chamber on November 6, 2003. He began by saying, "I fully endorse and support the idea and concept of a code of ethics for this chamber." However, his concern was expressed on what he described as "one proposed section of this bill, which I suggest to senators is extraordinary." He then went on to argue that the proposed section 20.6(2) placed the ethics officer above civil and criminal law in whatever is done in the exercise or the purported exercise or performance or purported performance of any function of that office.

The section itself states:

No criminal or civil proceedings lie against the Senate Ethics Officer or any person acting on behalf or under the direction of the Senate Ethics Officer, for anything done, reported or said in good faith in the exercise or purported exercise of any power or the performance or purported performance of any duty or function of the Senate Ethics Officer under this Act.

Again, it is clear from Senator Furey's presentation that he has concerns about the definition of "good faith" or of what sanctions might apply against the Senate ethics officer or staff if acts are done in which the defence of good faith is found substantiated.

It is clear that if acts are not done in good faith, there are plentiful sanctions. Such was the case in the famous *Roncarelli v. the Attorney General of Quebec* judgment. This was a case where the Attorney General, also the Premier of Quebec, Maurice Duplessis, acted to cancel the liquor licence held by the plaintiff, a Jehovah Witness. In short, the court found that the Attorney General did not act in good faith and the rights of Roncarelli were restored.

Senator Furey is concerned with the damage that might be caused within the successful good faith defence. He mentions the question of a slander or a defamation that flows from a mistaken view by a Senate ethics officer that the statements being made are accurate. Nothing could be done, according to Senator Furey, by the Senate to remedy the situation.

As Senator Furey well knows, immunity clauses like that of section 20.6(2) are not uncommon in federal statutes. I have been advised by the Minister of Justice that some 93 provisions in 54 statutes provide limits on criminal and civil liability for officers administering acts of Parliament. The Senate, in recent years, has passed without comment virtually identical sections for other officers of Parliament, including the Privacy Commissioner, the Access to Information Commissioner, the Official Languages Commissioner, the chairperson and members of the Immigration and Refugee Board, members of the National Parole Board and many others.

If we turn to provincial legislation, we see that provincial statutes for the appointment of an ethics commissioner also include provisions that provide limits on liability for their ethics commissioners.

Honourable senators, I agree with Senator Furey on one point: It is no answer to his arguments simply to say that this is how it has always been done. The critical question is to ask why it has been done that way.

Honourable senators, the legislative examples are not designed on the basis that appointees will act in bad faith. Every such person appointed is vetted with respect to personal integrity, training and professional experience. Such persons are then made part of the parliamentary process and are submitted to the consideration of Parliament as well as to the Governor in Council. We examined such proposed offices of Parliament in Committee of the Whole.

I admit that, even so, the system is not fool proof. Sometimes an officer of Parliament does not carry out their duties competently or in good faith, but Parliament is not prevented from dealing with that situation. Under section 20.2(1), the Senate ethics officer can be removed for cause by the Governor in Council on address of the Senate.

Should it be the view of the Senate that the Senate ethics officer should be censured or disciplined, then the Senate can so act, as long as it does so in accordance with the principles of justice. The Senate code of conduct will be placed within the *Rules of the Senate* and will set forth the duties and functions of the Senate ethics officer. Those rules will provide for circumstances where

the Senate ethics officer fails to act within the duties and functions set forth or acts beyond the scope of those duties and functions.

Honourable senators, the Senate retains full control over the duties and functions and, implicitly, the powers that the Senate ethics officer is authorized to exercise. Senator Furey cites the great legal scholar A.V. Dicey and also the Supreme Court of Canada in the *Susan Nelles* case to the effect that "absolute immunity is utterly unreasonable as a rule covering public functionaries." I could not agree more, but as I have hopefully made clear, there is no "absolute immunity" anywhere in sight.

Let us turn, honourable senators, to the positive reason for the limited immunity that is provided to officers of Parliament. It is for our sake that section 20.6(2) is in the bill. Senators have expressed concerns with the prospect of judicial intervention in the activities of the Senate ethics officer. The issue of confidentiality of the information in the hands of the officer is also of great concern for senators. This protection against civil and criminal proceedings reinforces the point that the activities of the Senate ethics officer are immune from judicial scrutiny. The protection ensures that confidential information in the hands of the Senate ethics officer could not be disclosed in judicial proceedings.

• (1540)

Honourable senators, the Senate ethics officer may, if so provided in the rules, have duties of a quasi-judicial nature to carry out. Senator Furey used the example of the Senate ethics officer as a rogue policeman. I see that office as being more judicial in nature. The Senate ethics officer is protected by the extension of the Senate's privileges to that office, but in case of any doubt is not a compellable witness and cannot be the subject of judicial intervention in the performance of his or her duties. This is the purpose and effect of proposed section 20.6(2). It gives the same protection as that provided to judges who must have the liberty to decide cases without fear of external reproach.

I should also mention how difficult it could be to find the quality of candidate needed for this office if that person were without the protections that this bill provides. In such a case, he or she could be exposed to judicial process from within and without the Senate, including the possibility of criminal or civil liability. I wonder whether Senator Furey or any of us would take the job in such a circumstance.

Last but not least, I have a few comments regarding the presentation of Senator Kroft on November 6, 2003. I agree with his all-too-perceptive comments on the Clarity Bill and his view that its ghost haunts us here. Senator Kroft is clearly influenced by the differences of view on issues of independence and the method of appointment left unresolved by the work of the Rules Committee as reported in this house in the last session of Parliament. With most of his argument about the role of the Senate and the importance of the independence of the Senate, I can take no issue. I submit, however, that the process I have described and which will be followed by the government respects that independence.

Honourable senators, please believe that I have carefully considered all of the presentations made by honourable senators who participated in the debates on this bill in the second session of this Parliament. I respect the high quality of the argument made by each senator. The result is the proposal that I have made today, which I submit will act to protect the cherished independence of the Senate that is so much the concern of all honourable senators, and so effectively put forth by Senators Oliver, Joyal, Kroft, Bryden, Milne, Fraser and Carstairs from their respective viewpoints. It would be an egregious error to say that one argument was right and another wrong. What is important is that we use the wisdom of Viscount Whitelaw, to which I referred last week in our debates:

I have learnt that a certain flexibility, together with a certain understanding of convention, has worked much to the benefit of this House.

Last October and November we gave first thought to this bill, as Senator Kroft insightfully said. Now, we are giving it sober second thought; the first time was to assess our passion and the second time is to assess our reason. It is my personal belief that our decision on Bill C-4 will bear the most important consequences for this institution. It is my conclusion that the bill before us is right and proper and in the interests of the integrity of the Senate. I hope that you will join me in supporting the bill, and I await the considered opinion of the Senate.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, will the Leader of the Government take a question?

Senator Austin: Indeed, I will.

Senator Lynch-Staunton: My question is: Last fall we had the unfortunate experience of the Rules Committee calling meetings outside its regular time slot. We objected to that out of principle and for practical reasons. We have enough difficulty now sending sufficient members to committee meetings because of our low numbers, and it will prove even more difficult to find senators to attend meetings that are scheduled at the last minute for time slots outside the norm.

I hope that the Leader of the Government will agree with me that that experience should not be repeated and that there be sufficient time on our calendar for the committee, whichever one, to study this bill within its regular time slots. I can assure the honourable senator that this side will not obstruct the passage of the bill.

Senator Austin: Honourable senators, if any problem arises with respect to the sittings of the committee to which this bill is referred, I would be happy to hear from Senator Lynch-Staunton or to initiate a discussion with him.

Senator Lynch-Staunton: The leader has heard from me already, asking for agreement in principle that no committee should sit outside its regular hours without the support and approval of the

opposition, and that it not be done unilaterally as happened during the discussion of this bill's predecessor last fall.

Senator Austin: Honourable senators, I am not willing to answer a question and give an assurance in advance of a specific issue arising. I would expect the committee to conduct its business in the normal course and, if a difficulty were to arise, I would be more than willing to discuss the matter with the Leader of the Opposition.

Senator Lynch-Staunton: Does that mean it is perfectly proper, and the Leader of the Opposition is in agreement, for a committee to sit outside its regular time slot without the support of the opposition?

Senator Austin: Honourable senators, I am new at the rules and their application. I have had some interesting lessons in the last couple of weeks. James Joyce once said that a mistake is a portal to discovery, and yet I am not prepared to jump through the portal just yet.

The Hon. the Speaker: I have a list that I will read to honourable senators. I will call on the senators who have questions in this order: Senators Cools, Kroft, Comeau and Andreychuk.

Hon. Anne C. Cools: Honourable senators, my question is for the Honourable Senator Austin. I believe that Senator Austin described the position of the Senate ethics officer as "quasi-judicial."

My first question is: How can Senator Austin describe that position as quasi-judicial when section 20.5(2) clearly states:

...The Senate Ethics Officer enjoys the privileges and immunities of the Senate and its members...

In other words, this officer is getting the cumulative and aggregate privileges of the Senate and senators while senators do not have those privileges. Rather, we have privileges as individual senators, but only the Senate as a whole may exercise the Senate's privileges. The position of Senate ethics officer, I understand, would be vested with the full privileges of the Senate. Thus, one individual would be vested with the powers and privileges that it takes 105 senators, acting together, to have.

By my reckoning, Senator Austin's description of the officer is inaccurate and insufficient. This position would be vested with the full inquisitorial and judicial powers of the Senate. There is no other individual in the country that has such power because it does not exist.

Senator Austin: Honourable senators, I would like to make it as clear as possible that the Senate ethics officer would have no greater privileges or powers than any senator has. The statute provides a limitation on liability for all the reasons that I have explained so carefully in my address. In respect of the word "quasi-judicial" as used in my remarks, I will repeat: I said: "The Senate ethics officer might, if so provided in the rules, have duties of a quasi-judicial nature to carry out."

Honourable senators, we control what is in our rules. The rules are ours to settle and decide. We control the duties of the Senate ethics officer. There is no legislation that imposes anything of the nature of duties on us with respect to the Senate ethics officer.

I repeat: The rules that we decide to adopt govern the performance and conduct of the Senate ethics officer.

Senator Cools: I fail to see how, but I will move to my next question. Senator Austin has said that that position would have no greater privileges than individual senators. I disagree with that and I would challenge it strongly. However, I can be assured that that position will certainly have a greater budget than any senator has. I am certain of that.

• (1550)

My question is about his statements about independence. While Senator Austin was speaking, I heard an inversion of the meaning of independence as I have studied it. The word "independence" when referring to judges does not mean independence from Parliament. Independence means independence from King and cabinet — from the executive.

The word "independence" has been misused and abused in today's community. Judicial independence meant that judges would no longer be fired at the pleasure of the King either because the King favoured or did not favour a judge. It worked two ways. There were cases where the King favoured a judge, as in the case of King James II and Judge George Jeffreys in the 1680's.

Judicial independence in the instance of the Constitution of this land is that the fate of judges was given to Parliament. It was taken away from the executive and assigned to Parliament. That is not happening in this bill.

For at least 500 years, honourable senators, we have had a situation where the executive was limited, and independence has meant distancing judges from the executive. For centuries, parliaments have attempted to reduce the influence of the executive on individual members of Parliament. This bill is a regression of a few hundred years.

What constitutional authority does Senator Austin use to bring forward such an innovation in the history of Parliament? Independence means from the executive. For 400 years, Parliament has eschewed and abhorred the imposition of any office-holder in its midst having authority over members of Parliament.

Senator Austin: Honourable senators, I find it impossible to answer Senator Cools because I do not consider her intervention a question. I consider it an entry into the debate on this particular subject. I would like her to read my speech and see whether there is any point in it that we could specifically focus on later to discuss in a further part of this debate.

I made my position clear. There is no constitutional bar to Bill C-4. It is entirely constitutional. If Senator Cools believes

that there is some constitutional impairment, I would like, in the due course of this debate, to hear her argument.

Senator Cools: Honourable senators, I believe that the Constitution has a design. Part of that design involves a harmony and a balance between the constituent parts of the Constitution. For hundreds of years now, the Constitution has been careful — to put it in the vernacular — to keep members of Parliament beyond the claws of the King.

My question was what constitutional authority was Senator Austin relying on to bring this innovation forward in parliamentary history. I assure the honourable senator that I am a reader. I can show the history.

This is a grand departure from the constitutional history of our system. I want Senator Austin to know that many of us feel greatly that Prime Minister Martin means to bring change. I also have to tell him that I am of the opinion, as many in the country are, that Parliament is in the weakest state of its entire history, and Parliament is an ancient institution.

I do not understand why, with this particular bill, we would introduce an innovation subjecting individual senators to the inquisitorial powers of an office-holder, a servant of the Queen. That is what I am talking about. Parliament has banned office-holders for a couple of centuries.

The honourable senator's description of the officers of Parliament, as his description of the officers of this chamber, is insufficient and inaccurate in many places. I would be happy to show him some of that.

Senator Austin: Honourable senators, the onus is on Senator Cools to show where there is any lack of constitutional authority here. I think she agrees to that.

I have said, and I will repeat, that all the statute does is enable an office to be created. The powers and duties of that office belong to the Senate. There is no role for the executive in describing the powers and duties of that office.

Senator Cools: Honourable senators, I can prove my point by showing that for many years now the notion of office-holders, under Her Majesty's emolument, has been so alien to this chamber that no prime minister nor government would permit more than one cabinet minister in this place. Office holders have not been allowed to sit here as cabinet ministers.

We can talk. There is a high degree of mutual respect. However, I do honestly hope that this debate can go forward with a wide-open intellect and a wide-open mind.

Hon. Richard H. Kroft: Honourable senators, I have a question for the Leader of the Government in the Senate. I thank Senator Austin for a thoughtful and obviously carefully studied speech. It will provide an opening framework for discussion that will be challenging for many of us here in the next period of time.

I do not want to take issue with any of the matters of substance. We will have time to do that in the course of study. I do want to mention a specific that the honourable senator referred to a couple of times in his main address and in the response to Senator Cools. We all accept that there is nothing in this bill other than setting up the overall structural authority. All the effective rules are to be the creation of this house. However, I am looking for some comfort as to how those rules will evolve.

A model code of conduct contained in the fifty-first report of the Commons committee is now, as I understand it, before the Standing Committee on Rules, Procedures and the Rights of Parliament. If we, in fact, do create a body of rules that truly reflects the needs, desires and unique Constitutional powers and history of this chamber, I would have thought that we would have started with a clean sheet of paper and developed processes on a caucus basis, a broad basis, and evolved something that would be fundamentally and intrinsically for and of the Senate.

We received a model cast in another place to be the basis of what should do. Presumably, the Rules Committee will come forward with a report for us to consider. I find it, unfortunately, an *ab initio* compromise of the fundamental independence of this house. I would look for some comfort that we may find another role and not be put in the role of deciding whether we approve of the model code that has come from other place.

Senator Austin: Honourable senators, the code, as I understand it, was referred to the Rules Committee for study, but in no manner whatsoever was it referred in any mandated form.

The Senate is free to debate and adopt rules that are apposite to our needs. However, in doing so, we must also recognize that there are public expectations of the institution of Parliament. How the house conducts itself, and the code of conduct that it will eventually decide to adopt for itself, will have perhaps persuasive value in many of its aspects.

• (1600)

Nothing requires us to mirror the House of Commons. If we have a better way to do things, if we are prepared to justify that better way to the Canadian public, then I presume we will go in the direction we feel is the best way to serve integrity in the public policy system.

Senator Kroft: Honourable senators, it would seem to follow that, although the government clearly has a priority in wanting to bring this proposed legislation before us for passage, there is no connectivity in time necessarily between the code of conduct and the bill.

Is it the view of the Leader of the Government in the Senate that we could pass the bill and then at leisure — not in the sense of when we feel like it, but in the sense of giving ourselves the time to do it properly — evolve the rules that we will eventually want in this bill, so that there will be no pressure on the Senate to evolve a code of conduct simultaneously with, or before, the passage of the legislation?

Senator Austin: Honourable senators, I thank Senator Kroft for that valuable question. The passage of this bill and the coming into force of the code of conduct have nothing to do with one another. I see the sequence as the passage of this bill, and the Senate work on a code of conduct. The Senate should proceed, as Senator Kroft says, with due dispatch — my words but, I think, his meaning — to meet the public expectation and the institutional need. However, there is no clock, there is no timetable, and there is no specific critical path. The Senate must give real consideration to how it meets the challenge of ethical standards and of transparency with respect to the standards that we apply to ourselves.

I am not saying that there is any specific time ahead of us when that code of conduct must be brought into force. That will depend on all of us, and on our view of our public responsibility.

Hon. Gerald J. Comeau: Honourable senators, I shall not, at this time, detail at length the points I have concerns with. However, I wish to congratulate the Leader of the Government in the Senate on a very carefully crafted speech dealing with perceptions of problems and public expectations.

I understand why the Prime Minister would want to create the perception that we are dealing with a real problem, when, in fact, the real problem lies elsewhere. In doing so, it sends a message to the public that the Prime Minister is dealing with problems — not real ones, but he is dealing with problems. I am sure the Leader of the Government in the Senate feels uncomfortable about the prospect of someone from the executive walking around the floor of the chamber, visiting our offices and speaking to our staff, accessing, personal files and financial information, and so on. I am quite sure that would make the government leader feel uncomfortable.

The Leader of the Government in the Senate referred to the fact that the proposed ethics officer could not be compelled to appear before the courts, under the immunity provisions. The government leader suggested that this was a good thing, in order to protect the ethics officer and perhaps overzealous employees that might be attached to the ethics officer's office. That is a good thing from the ethics officer's point of view. However, what about members of the Senate? What if there were an overzealous employee in the office of the ethics officer who, as a result of having access to files in the office of the ethics officer, inadvertently — through no malicious means — revealed information of a personal nature about a senator? Given the proposed immunity under Bill C-4, under that scenario there would be no protection whatsoever for senators. The question of immunity works both ways — which is the subject of a question I wish to ask of the government leader. From the point of view of the proposed ethics officer immunity is a good thing; what about our point of view, honourable senators?

Senator Austin: Honourable senators, as I said in my speech the Senate ethics officer cannot be compelled to disclose any information about any individual senator — in fact, any information in his or her possession — to any court at any time. That protects us, honourable senators, because we are disclosing

information to that particular person and, as such, want to be sure that information is kept secret by the ethics officer and used only for the purposes of the code of conduct that we put in place.

As I said in my address, if there is an inadvertent disclosure of information — for example, a briefcase, left in a car that is stolen is opened and, instead of finding money, the car thief discovers that Senator Austin lives in Vancouver and discloses that — then as I have said, under our own rules, under the rules that we will put in the code of conduct, we can take action. If it is for cause, that is available by resolution of the Senate to the Governor in Council. If it is a lesser event, as we judge it to be, we can censure, we can discipline. We can discharge any person working for the Senate ethics officer if, in our view, it is a desirable step.

Senator Comeau's question included a statement that indicated to me that he had not quite absorbed the point I was making. Specifically, the honourable senator used the phrase "someone from the executive walking around" the Senate. The ethics officer will not be from the executive; he or she will be our officer. The ethics officer will be appointed following a resolution by this chamber, directed to the Governor in Council under long-standing constitutional practice, so that that person has independent tenure — independent from the Governor in Council and us. That is not a person sent by the executive; that is our person.

Senator Comeau: Honourable senators, I do not think the Leader of the Government in the Senate has read Bill C-4.

Senator Austin: The honourable senator just said I carefully considered it.

Senator Comeau: Honourable senators, the advice of the opposition leader in the Senate will be sought, but if that advice is not accepted, is disregarded, it will become a Prime Minister's appointee. In other words, after the vast majority in here have sanctioned the appointment of the Prime Minister — because of our numbers, the opposition side in this chamber, we are not in a position to overrule the Prime Minister's recommendation.

To go further, the reappointment of the ethics officer will be in the hands of the government of day, not this chamber. As well, with regard to an increase in salary, the ethics officer will be beholden to the Governor in Council — in other words the executive. As well, the ethics officer's budgets must be submitted not to this chamber but to the Speaker of the Senate. This will be a new responsibility for the Speaker of the Senate, given that budgets have traditionally been handled by the Internal Economy, Budgets and Administration Committee. Henceforth, the ethics officer's budget will be in the hands of a new executive officer — which, in this chamber, will be the Speaker of the Senate. These are new innovations that are being brought in by this bill that did not exist before. Historically, the Speaker of the Senate has been the presiding officer of the Senate, and not an executive officer who deals with budgets. Under this bill, the Speaker will deal with Treasury Board on the budget of the ethics officer and his staff. We are into brand new ground. Read the bill.

Senator Austin: Honourable senators, I cited the bill in my address and then made a statement of policy on behalf of the

government with respect to the way in which the bill, so far as the appointment by Governor in Council is concerned, would be dealt with by the government in terms of honouring and respecting the independence of this chamber. I would ask Senator Comeau to read my statement. In that statement I indicated that the government will undertake to seek the approval of the leader of every recognized party in the Senate, a majority of the senators on this side and a majority of the senators on the opposition side. Perhaps Senator Comeau could give more careful attention to what I said in my address. I would very much commend that.

• (1610)

With respect to the other details, to answer is to enter into debate. We are well into a debate here, and I have not minded up until now because I am seeking to give as much information as I can to honourable colleagues, but I want to say parenthetically that I am sure Senator Oliver will not agree with Senator Comeau when it comes to providing additional powers to the Speaker. Senator Comeau is seeking to make the Speaker a much more powerful officer of this chamber. I hope Senator Comeau will have a discussion with Senator Oliver on that point.

Hon. A. Raynell Andreychuk: Honourable senators, I wish to ask Senator Austin a follow-up question to that of Senator Lynch-Staunton.

We here in opposition, with our very small numbers, have already had the experience of having the process go forward with what we considered to be unnecessary haste without affording us an opportunity to put forward our position in the routine of this chamber. Based on that history, you can appreciate that there is some skepticism about what is happening. That is coupled with the fact that I was one of those who stood up and voted for Mr. Radwanski, thinking that the process was fair. With the assurances of Mr. Radwanski and the Prime Minister, I thought we had a reasonable process. Time has proven that that process was flawed. While I think we have been admirably served by the auditors general, privacy commissioners and access to information commissioners in the past, those two events make me mindful that it is not only the responsibility of the government to create democratic change but that this chamber has the responsibility to ensure that our process is correct.

In his speech, Senator Austin addressed the concerns of certain members in this chamber. It was perhaps a coincidence that they were all members opposite. Nothing we said seemed to have registered as important. Senator Oliver, of course, co-chaired the original Milliken-Oliver committee. Senator Beaudoin and others on this side spoke to the bill.

If we care about our democracy, which has been incrementally gained, it is crucial that we not regress. At this moment in time, we have a very small opposition. We have had two instances of difficulty, and now not even the Auditor General will be appointed in the way in which that was done in the past. When we put in place the successor to Mr. Radwanski, a new process was used that strengthened the participation of opposition and government members in making assessments about the appointment.

Before we start on this process, I am looking for some assurances that the views of those who sit in opposition will be taken into account. The issue is that the government shall consult with the opposition before the Prime Minister of the day appoints. We have had tastes of consultations. With respect, I am a little shy about accepting another consultation.

Will we receive an undertaking that our opinion will be taken into account? More fundamentally, will we improve democracy by having an appointment process that is at arm's length from the Prime Minister? How will the appointment here by the Prime Minister be any different from the appointment of Mr. Wilson? I have trouble answering that question in my province.

Senator Austin: Honourable senators, I appreciate very much the various points that Senator Andreychuk has made in her argument. First, I urge her to read what I said about the way in which the appointment process would be undertaken because her questions to me about consultation do not seem to recognize the words I used in the chamber on behalf of the government.

Second, with respect to the question of the process being flawed — to use her phrase — with respect to the appointment of Mr. Radwanski as Privacy Commissioner, there was nothing wrong with the process and nothing wrong with the way in which the complaints were dealt with when his behaviour finally became known to the public. There is no process that can prevent every possible harm. Appointments are made on the best of information and with the best due diligence that is possible, but perfection in appointments is not to be found anywhere.

In this particular case, we have an excellent process. Could it be that some future Senate ethics officer will fall below our expectations? Yes, that could be, but we will have had the chance to examine and do due diligence in all the ways I spoke of in my address. However, there is no guarantee of perfection.

With respect to the way in which this issue will be deliberated, I have the hope that we will proceed to the satisfaction of all honourable senators in hearing their views and concerns at all stages of this bill.

With respect to the arguments made by honourable senators opposite during the course of the debate, while I read them all, I thought that the most acute arguments were made by my colleagues on this side and that they, in particular, needed to be addressed because they were so acute.

Senator Andreychuk: Honourable senators, we will have to debate whose points are relevant. I took all sides of the debate to be relevant. I think that eminent points of view were put forward on both sides of the issue by both members opposite and members on this side.

I also accept, with the greatest of sincerity, that the government intends to consult. While in no way disparaging this government, that is not our role. The law says we shall consult; it does not say

that the government has to accept our advice or reach an agreement here. In negotiations involving labour organizations, with which I have dealt, each side puts forward names and if an agreement cannot be reached, there is an arbiter for the next step.

• (1620)

Here, it is merely a consultation. Perhaps this government will handle the appointment situation with the greatest caution and care, but we are passing legislation for all time, so we had better be careful that we are not just living on the good faith of undertakings in this chamber, and that we are looking at the words. The words simply say, "shall consult". Nothing says they must take into account in some way. It is simply consult and then appoint. The safeguards are important for the future. We think we can handle ourselves today, and we take the word of the Leader of the Government, but the legislation must be looked at as eternal, at this point, until cancelled.

Senator Austin: Honourable senators, I think we should continue this debate at another time.

The Hon. the Speaker: Senator Austin, do you not want to take any more questions?

Senator Austin: Honourable senators, that is correct.

The Hon. the Speaker: I did have a list, but regrettably, our rules are clear. The person whose time it is, and in this case, of course, there is unlimited time, can agree or not agree to take questions. Unfortunately, the opportunity for putting questions has passed.

Hon. Herbert O. Sparrow: Honourable senators, when would the leader be available again for questions? The questions will be cut off today, and now there is no real provision for us, in the future at least, to ask the Leader of the Government further questions pertaining to the presentation he has made. Have we any rules that would affect when he would be available to answer those questions?

Senator Austin: Honourable senators, if I may answer that question: My concern lies with the rest of the business on the Order Paper, and not with respect to answering questions. I have been on my feet answering questions for well over an hour. However, I will be more than pleased to come to the committee to which this bill is sent and answer questions there from honourable senators. If I have the opportunity to close this debate, I could then perhaps answer questions at that stage. Of course there is also the debate on third reading. Finally, if Honourable Senator Sparrow, as the dean of the Senate, asked me to come to his office for a chat, then I would be only too happy to oblige.

The Hon. the Speaker: Honourable senators, because he put it in the form of an interrogative, I confirm that Senator Austin, as the mover of the motion, has the right of reply under our rules and would be entitled to speak at that time.

Hon. Donald H. Oliver: Honourable senators, I received a document in my office today entitled "Activities of Senate Committees, Week of February 23, 2004." Senator Kroft's question to the Leader of the Government in the Senate was quite salient, because it says that the Standing Senate Committee on Rules, Procedures and the Rights of Parliament is doing a consideration of "a code of conduct for senators."

With that, honourable senators, because I was late and missed the first part of the honourable leader's address, I will move the adjournment of the debate.

On motion of Senator Oliver, debate adjourned.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Leave having been given to revert to Notices of Motions:

Hon. Tommy Banks: Honourable senators, I am asking leave to make the following motion, because the committee of which I have the honour to be chair has a Tuesday meeting time of five o'clock, or whenever the Senate rises, which is quite an inexact thing, and it is difficult when we are considering legislation, as we are today, to deal with witnesses. I therefore move:

That, with leave of the Senate and notwithstanding rule 58(1)(a), the Standing Senate Committee on Energy, the Environment and Natural Resources have power to sit after the 5:30 p.m. vote today, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation there to.

I will explain to honourable senators that with respect to the piece of legislation that our committee is studying, we have with us today witnesses from British Columbia who would like to return home tonight, if possible.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon Senators: Agreed.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

PUBLIC SAFETY BILL 2002

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Christensen, for the second reading of Bill C-7, to amend

certain Acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety.

Hon. A. Raynell Andreychuk: Honourable senators, I rise to speak at second reading of Bill C-7, to amend certain acts of Canada and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety. I believe this bill, together with previous bills, are the most fundamental pieces of legislation that have come through this house in the last 10 years. They affect Canadians more fundamentally than any other legislation.

This bill was at second reading in this chamber when Parliament was prorogued unnecessarily, in my opinion, last November. Now the bill has been reinstated, and we are being urged to deal with it quickly.

Honourable senators, I believe that this bill must receive thorough study. It is approximately 100 pages long. In those 100 pages, many acts are being amended. These acts deal with matters such as environment and health, and safety and security issues. They cover the gamut of public life. We are again incrementally intruding into the lives of Canadians under the guise of public safety.

Senator Day spoke, saying that this bill was further security for Canadians. I agree that it could be such, if handled appropriately. This bill touches on furthering the ability of the government to deal with the security issue. However, we have already passed Bill C-36, the anti-terrorism legislation, and I believe that the same issues that were raised during debate on Bill C-36 in previous sessions must be addressed here. We should not just give Canadians the impression that the government is doing more; we should be adding something valuable, and in the least intrusive manner, to their rights.

This bill was first introduced some time ago. Recently, however, the powers provided to civil authorities under Bill C-36 have been called into question following the raid on the home of Juliet O'Neill. Many, including myself, have questioned the search of a journalist's home in pursuit of information in light of the potential disruption to the delicate balance so important to the proper functioning of our political system, namely between the need to maintain a keystone of democracy, the freedom of the press, and our need to ensure that our national security is properly protected.

Although Bill C-36 did not, in fact, change the clause in the former National Security Act used to obtain authorization for the search warrant of Ms. O'Neill's house and office, Canadians have associated the raid with the increased powers provided by Bill C-36. Many have called for parliamentarians to take another look at that bill. If, in fact, those powers that led to the intrusions in Ms. O'Neill's case were not part of Bill C-36 but in the old National Security Act, then what was Bill C-36 all about?

How did we get ourselves into this position? How did we give powers and lose rights under Bill C-36 in the rush after September 11, 2001, when the government said they needed these measures? Of course, there was no track record.

• (1630)

However, now we are at Bill C-7 and we have a track record. Why do we need to intrude on 23 pieces of legislation, reducing the rights and the privacy of Canadians in return for what seems to be more security? In fact, Bill C-7 puts more power in the hands of the executive without any justification that each one of these is needed or would have been used in the past. In fact, it is all done under the guise of emergency.

There are powers under the emergency act. There are powers under the national security act for virtually any conceivable emergency. In fact, the government has said that this bill would allow for more efficiency and for the executive to act quickly. If that is the case, I have no difficulty with this bill; but where is the oversight? Where is the justification?

Shortcuts have been added to Bill C-7 to allow for this greater response, which is not in the national security act, the old Bill C-36 or elsewhere.

Where do we see some independent oversight of ministerial activity? More and more we see the hard-fought, democratic rights of Canadians being circumvented in a "trust me" situation. A good democracy is not built on trust. It is built on verification, accountability and reliability, and it is built on justifying actions taken.

The government has now introduced the public safety bill, known as Bill C-7 in this current session, for the fourth time. This bill in previous incarnations has been known as Bill C-17, Bill C-55 and Bill C-42. Note that Bill C-42 was first introduced on November 22, 2001, only to be withdrawn and replaced by Bill C-55. Throughout its bumpy ride through Parliament, the initial bill was the subject of several reviews, during the course of which it has been changed, amended and improved. However, honourable senators in this place have not had the opportunity to look at this complicated bill, which deals with complex issues, and there is still plenty of room for improvement in this most recent edition.

The bill was only changed from Bill C-42, Bill C-55, Bill C-17 and Bill C-7 when there was an opportunity for the House of Commons to look at the issues. These issues were studied piecemeal, which makes it very difficult to know how secure we are today, how our rights have been eroded, and whether we have struck the right balance between safety and security and other rights. We have had not an opportunity to look at all the issues. We are practically at the three-year mark of Bill C-36, and we have said that we will study it; but that is not the issue. We need to look at Bill C-36; we need to look at whether Bill C-7 is necessary; we need to look at the whole host of previous legislation, at how it has helped our security and how it has intruded on our other rights.

There appears again to be a rush on Bill C-7, if my honourable colleague is correct that we need this bill because it is an answer for and a response to emerging issues. I have yet to be persuaded that there are emerging legislative issues that we need to address. Perhaps, as Professor Roche, an eminent legal scholar, has said,

we are losing our rights incrementally in the name of security, and we continue to add more legislation in the name of security when what we are really doing is eating away at our rights. Perhaps our security would be best looked after if we increased the administration of the existing legislation and paid attention to the secure areas that have caused problems in the past, such as airports and ports. Our National Security and Defence Committee is studying this very issue.

Senator Lynch-Staunton, in his remarks of November 6, 2003, said:

...we must be careful about bringing in new laws that could threaten the basic freedoms that make Canada what it is. Bill C-17 adds to the arbitrary power of the government without the checks and balances to ensure that privacy rights are protected. Latitude allowed under interim orders is excessive and contrary to basic values.

Bill C-7 amends 23 acts of Parliament and introduces a new act. Parts 1 and 2 of the bill amend the Aeronautics Act. They enable the minister to take security measures relating to aviation issues and authorize information requests to airlines or reservation systems regarding passengers, information to be given to the Minister of Transport, the Minister of Citizenship and Immigration, the Minister of Revenue, the RCMP, CSIS and the CEO of the Canadian Air Transport Security Authority.

The bill enables the RCMP and CSIS, or their designates, to receive and analyze information and match it with any other information or databases under their control. The information can be matched against outstanding warrants for serious offences. This section has been criticized by the former Privacy Commissioner as enabling fishing expeditions for people whose offences are unrelated to terrorism or transportation security.

The Canadian Bar Association and the Barreau du Québec have also expressed concern about these powers. This section of the bill could certainly stand additional review. I expect the committee charged with examining the bill will want to spend time hearing from witnesses, including the new Privacy Commissioner.

I should also point out that the changes to the previous incarnations of this bill were brought about by questioning in the House of Commons, but, very curiously, Bill C-7 has an addition. It gives more powers to the Minister of Immigration. One wonders why, when in fact there have been sufficient intrusions. The government responded that it was done simply to clarify the powers that the minister already has. However, if we look at Part 11 of the bill, clauses 70, 71, 72 and proposed section 150.1, there are sweeping powers to take information under the Department of Citizenship and Immigration Act and use it for extended powers, not just for security issues. I will quote proposed section 150.1(1):

(b) the disclosure of information for the purposes of national security, the defence of Canada —

— and here is the part of concern —

— or the conduct of international affairs, including the implementation of an agreement or arrangement entered into under section 5 of the *Department of Citizenship and Immigration Act*.

• (1640)

Honourable senators, the inclusion in Bill C-7 of more powers of scrutiny for immigration purposes goes way beyond security and allows the government to do, or at least appear to do, something that I think is inappropriate, which is to target and profile new citizens entering Canada. We worried in Bill C-36 that there would be racial profiling. I believe that our concerns were warranted. If one now looks at the extension and the broad, sweeping powers that are, in my opinion, being inserted very quietly into this proposed legislation, one wonders whether all the people who will have access to this information will use it for the purposes of safety and security. Will the people who will have access to the information broaden and deepen their interpretations in ways that we did not intend when we passed this law?

Honourable senators, one also wonders if the powers under this bill are necessary. One may say not to worry because we passed Bill C-36 and then did not use many of those powers. Well, honourable senators, we do not know. Two sections of Bill C-36 demanded filing of information, and in both cases the government filed that there was no action taken. There has been no scrutiny or review of the actions taken by the government since the passing of Bill C-36. I would point to some valuable work done by the International Civil Liberties Monitoring Group when it responded to Justice Canada's first annual report on the application of the Anti-terrorism Act, Bill C-36. They pointed out that its use had been attempted.

Honourable senators, it is almost frightening that these bills with such discretions are not being monitored in any way. There is no full oversight mechanism to ensure that they are properly monitored.

All data collected is normally destroyed within seven days. Once per year, the Commissioner of the RCMP and the Director of CSIS will review any information retained beyond the seven-day period to ensure that it is still needed for transportation security. However, the bill is silent on what happens if information is kept beyond the seven days for reasons unrelated to terrorism or transportation security. There is no oversight provision on the retention of such personal information. There is also no provision for a report to Parliament on the data that has been retained longer than seven days.

Honourable senators, the Auditor General's recent report to Parliament contained a chapter on independent reviews of security and intelligence agencies — and I referred to this in my question to the Honourable Leader of the Government. Ms. Fraser stated:

Security and intelligence agencies' compliance with the law and ministerial direction is subject to widely varying levels of independent review — in some cases, to no review at all. Review bodies also provide varying levels of details in their reports.

Independent review is important because of the intrusive powers of agencies and departments involved in intelligence gathering and law enforcement.

Honourable senators, the Auditor General is right. If we are to invest our national intelligence agencies with greater powers, it is incumbent on Parliament to ensure that those powers are exercised responsibly. Should we give the executive the power? Is it necessary?

The Honourable Senator Lynch-Staunton raised concerns about interim orders last fall, which serve to duplicate powers the government already has under the Emergencies Act. However, there is a critical difference. While the Emergencies Act requires emergency measures to be brought to Parliament within two days, the interim orders contained in Bill C-7 do not come before Parliament before 15 days. Sections 3, 5 and 11 of the Statutory Instruments Act will not apply to interim orders. The Senate committee must explore why the act that ensures the application of the Charter of Rights and Freedoms does not apply to these provisions. The interim orders provide tremendous — some would say excessive — powers to individual ministers. We should be asking why these clauses are in the bill and if they are consonant with a democratic government.

I should like to discuss the areas of information sharing that are in Bill C-7. While Bill C-44, the second of a trio of anti-terrorism bills, enabled information to be passed to the United States about passengers from Canada travelling to the United States, Bill C-7 will broaden that information sharing. Now, Canada will provide to foreign states information about passengers aboard flights that are landing outside our own country. This raises concerns that personal information about travellers may be shared with countries that do not necessarily share the same human rights values as Canada.

Honourable senators, we know from our tax laws that we started tax treaties with countries that we were reasonably certain would hold information in the same way that we do. However, here we have Bill C-7 that would allow governments to enter into agreements and "arrangements" — yet to be explored in its full meaning, and it does not restrict it to any basis. Presumably, it is to help our security, but one wonders what will be done with this information. Where will it go? How will it be used? We have yet to find out the full extent of the Arar case, which should give us some concern.

Honourable senators, there is much to be said about Bill C-7, but there are so many legal implications. On principle, the opposition, we on this side, is certainly not stating that we should not continue to be concerned about our safety and security — quite the contrary. We believe that this is one of the prime roles for government. We also do not question that certain transportation adjustments need to be made. However, we are questioning whether Bill C-7, in its present form, is absolutely necessary or whether it is an undue infringement on our rights, our freedoms and, more particularly, our privacy.

Where is that delicate balance that we tried to achieve in Bill C-36 — proportionality? Are we unduly interfering with our democratic rights? Is this the right balance to strike? These are legal questions. The interim orders give the government and individual ministers unfettered and unstructured ministerial discretion. We must look carefully to ensure that those interim orders are consistent with the fundamental principles of justice.

I refer honourable senators to a statement in the judgment of the *Parker* case, 1999.

The problem in the *Parker* case, which had to do with an exemption for marijuana use; the indication was that the problem was not unlike the issue confronting the court in committee for the *Commonwealth of Canada versus Canada, 1991*, reported in Volume 1 of the Supreme Court reports at page 139. That case concerned freedom of expression and the validity of section 7 of the Government Airport Concession Operations Regulations.

Madam Justice L'Heureux-Dubé held that the violation of freedom of expression could not be saved because an applicant could apply for authorization. At page 214, she wrote:

Rights and freedoms must be nurtured, not inhibited. Vague laws intruding on fundamental freedoms create paths of uncertainty on to which citizens fear to tread, fearing legal sanction. Vagueness serves only to cause confusion, and most people will shy from exercising their freedoms rather than facing potential punishment.

• (1650)

She then writes.

If there is ministerial discretion, that fact in itself may create a standard which is so vague that it can be incomprehensible.

I would say that our sections of Bill C-7 are vague and, therefore, incomprehensible. They give wide, sweeping powers to ministers without scrutiny under the regulations and without the benefit of any oversight mechanisms of the minister. Consequently, I believe that cumulatively with the other pieces of legislation, Bill C-7 is reaching dangerous ground without much benefit for security.

This bill is so complex in its legal interpretations that the only correct place to analyze these proposed sections would be before the Standing Senate Committee on Legal and Constitutional Affairs. The import of these ministerial orders, the proportionality issues, the application of the Charter of Rights and the interpretation of regulation, I believe, are legal issues with which we will struggle in attempting to study a bill of over 100 pages. We do universally agree that we need security.

Honourable senators, I will end by quoting the Justice Minister, Irwin Cotler, in the previous session when he was a member without executive authority. He spoke in the House of Commons,

on Thursday, May 2, 2002. At that time, he enumerated some of the difficulties with this legislation. When he came to the area indicating that the emergency orders are exempt from the application of the Statutory Instruments Act, he said:

This does not mean that such decrees or regulations are not subject to the Charter but it does mean that the "security and screen filter," the filtering out of objectionable features before the regulations are enacted, is absent. Regrettably, a judicial corrective may be necessary when a pre-emptive screening corrective could have been utilized first.

He was speaking to Bill C-55 at that time. He continued,

For the most part, the bill struck a reasonable balance between security and privacy rights. The new provisions giving RCMP and CSIS unrestricted access to the personal information of all Canadian air travellers, both on flights within Canada as well as on international routes, are also disconcerting.

For example, if the RCMP can obtain and scan airline manifests in search of anyone subject to an outstanding warrant for any offence punishable by five years or more, or a foreign offence under the Immigration Act, this would appear to be an undue expansion of the police power at the expense of privacy rights without clear justification.

In other words, if, as the Privacy Commissioner has put it, proposed clause 4.8 (2) were limited to providing the RCMP and CSIS with access to airline passenger information for the sole purpose of checking against databases of known or suspected terrorists, with the proviso that all such information would be destroyed except where a match with the database was found, it could be regarded as a legitimate exercise of police power for security purposes.

He continues with other examples, basically making the distinction that these words in Bill C-7 have great legal interpretation that needs to be discussed. He said in conclusion that the Public Safety Act, 2001 has important features, some of which he described, that are germane to an anti-terrorism law and policy and to the protection of public safety and human security. He said:

However, there are also some disconcerting features that taint the bill and which need to be addressed and redressed so we can promote human security without unnecessarily intruding on civil liberties.

Honourable senators, my submission is that the bill needs the kind of scrutiny that was delineated by Mr. Cotler, as he then was, and Minister Cotler now. These are legal issues that could taint the bill. The essence of the bill may be laudatory, but the devil is in the detail. These legal matters are important because they will touch citizens.

What happens when interim orders are made? A citizen will be tainted. There will be that way of trying to clear your name but we are using terrorist activity too broadly. In our zeal to ensure that we are safe from terrorist activity, we should not trample on people's rights, their reputations nor their ability to be true Canadian citizens.

As we said with respect to Bill C-36, it is highly unlikely that we will come to be scrutinized by security officials. It is more likely that someone coming from a particular part of the world will find themselves under this type of scrutiny. We do not want to damage reputations. We do not want to harm citizens. If we, honourable senators, in this place can put our heads together and devise a way to ensure that every Canadian citizen will be treated equally, fairly and justly, that the powers of the government are only those that they absolutely need and that Parliament will be accountable in some oversight manner, then we will have done our job. To do anything less will be to fail Canadians.

The gravest concern lies not in the transportation or the security areas, the gravest concern lies in the legal implications of the proposed sections. I therefore urge honourable senators to ensure that the appropriate committee — in my opinion, the Standing Senate Committee on Legal and Constitutional Affairs — would have the appropriate time to look into these matters and match them with the precedents to date to ensure that we are not subjecting Canadians, either individually or collectively, to undue prejudice.

Some Hon. Senators: Hear, hear!

Hon. Serge Joyal: Honourable senators, Honourable Senator Andreychuk has raised many concerns with which I agree. Like many other senators in this room, I have read the previous incarnations of this bill — Bills C-55, Bill C-17 and Bill C-35. The Honourable Senator Andreychuk addressed specific aspects of the bill, and I commend her. It was an essential and inescapable exercise. I am concerned by the dynamics of the bill.

What are the dynamics? For the purpose of enhancing security, generally air travel security, we are giving additional powers to the various government departments such as national revenue, citizenship, transportation, immigration, and to various groups within the government administration. These are unique powers never previously bestowed in the broad system of Canada.

• (1700)

What are those powers? We give the aforementioned departments the power to look into the files of all Canadians who have received a jail term of five years or more for an offence. In the Criminal Code there is a thick list of offences punishable by five years or more, and most of those offences are not associated with security threats. There are numerous offences that have no direct bearing on security. The bill, as drafted, does not give a list of offences; it has only the broad definition of five years and more.

Moreover, the information would be kept in the system for seven days. In other words, when you go to board a plane, for

example, a computer search is done on your name. It may come up if you are under a warrant of some sort, even though it has nothing to do with security. The information could immediately be passed on to someone in the administration who might be looking after you.

That is what this bill does. One asks what control mechanisms are in place to ensure that this extraordinary system that we are putting into place is not abused? We saw at the beginning of January an abuse of procedure in the case of the journalist mentioned by the honourable senator. When additional powers and immunities are given to the administration, we must ensure that we counterbalance these powers to be sure that the system is not tilted in favour of invasion by the administration into the privacy of citizens. That is one dynamic of the bill, and the dynamics of this bill are not at all obvious.

I remember, honourable senators, when we had the special committee in this chamber to deal with the first part of the anti-terrorism legislation. The special committee was chaired by my seatmate, Senator Fairbairn. One of the key recommendations in the special committee report was about parliamentary oversight. I clearly remember that Senator Grafstein raised this issue many times, with Senator Beaudoin expanding on it.

Honourable senators, I have difficulty finding the balance in this bill.

I was reading a speech given by Chief Justice Roy McMurtry, the Chief Justice of the Ontario Court of Appeal, on December 3, 2001, before the Canadian Club in Toronto in the aftermath of September 11. Things were hot at that time and everyone wanted to shield under the security umbrella.

The title of Chief Justice McMurtry's speech was "The Role of the Courts in Turbulent Times." On page 4 of his speech, he said:

The task of the legislature, and perhaps the court, will be to balance the strength of the concern around terrorism against the reasonableness and rationality of the means selected to combat it. This test of proportionality and balance includes a consideration of whether there is a rational connection between the threat and the response, whether the response impairs constitutional freedom and limits as little as possible and whether there is balance between the deleterious effects of the measures and their salutary effects.

The Chief Justice said that in exercising legislation that deals with security, it is very easy to be carried in one direction. Everyone wants security, but in our Constitution, we have the protection of privacy and freedom, and those must be reconciled. When you draft legislation in the days after the threat, the damage and the killing of people, you are carried in one direction. You want so much to protect so many people. However, sober second thought ensure that you control those powers in case, at some time, we get carried in the other direction.

Honourable senators, this is a very important legal issue and the courts have recognized that they will have to adjudicate on it at some point in time. This bill deals with transportation policy issues, and I am not an expert in that regard. However, the legal implications of privacy and the constitutionally protected freedoms of Canadians are very sensitive. I hope that there will be a proper airing of those aspects of this bill, which is thick and complex because it amends many pieces of legislation.

That is the concern I wanted to share with honourable senators. I hope that in its study the committee will hear the appropriate witnesses and will reflect on these matters because they, to me, are the heart and soul of this bill.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, we heard impressive arguments this afternoon on some of the legal and human rights concerns that flow from the principle of this bill. We on this side have no difficulty with the general principle of the bill, but we are now hearing an argument that it is critical and incumbent upon us to give detailed examination to the issues of human rights that are placed in the balance by these measures that, in the environment in which we live, are perhaps now required but were not required in years past. As we give these extra powers to the state, it is incumbent upon us to ensure that our human rights values will continue to transcend these measures.

There is a shift in the debate in which we are now engaged that centres not so much around the principle of the bill as around the next step; namely, the committee study. The argument being made is that if we accept this bill at second reading, it would be on the condition that it would be referred to the Standing Senate Committee on Legal and Constitutional Affairs.

Hon. Jeremiah S. Grafstein: Honourable senators, I thank Senator Joyal for reminding the Senate and myself about the role that he and I took. Although we are not members of the special committee to deal with this extraordinary legislation, we took an interest in the bill.

• (1710)

I had a concern then, and I thank Senator Joyal for reminding me that the concern is the same today as I had then, which is that the government is asking for extraordinary powers, well beyond the reach of normal practices. It strikes me, as it did then and it does now, that the government has a huge onus upon it to demonstrate to the committee — the reference will be, I assume, to the Standing Senate Committee on Legal and Constitutional Affairs — that these extraordinary powers are necessary.

We have still not had an audit of the original legislation. We have no facts, other than sporadic cases that we hear in the press from time to time, which appear to be egregious on their face. We have no facts. I have always believed facts before policy, and I would hope that the government will be very careful in presenting the practices and the need for these additional powers.

Just to say that we require the powers for efficiency or effectiveness does not answer any of the issues that honourable senators today have discussed. It is not a question of efficiency or

effectiveness; it is a question of proportionality and balancing the danger against rights. I would hope that the government will take it upon itself to convince the committee that these extraordinary powers are necessary for the peace, order and good government of the country.

At this juncture, I am very sceptical, as I was in the first instance: If we give the government extraordinary powers, we will never be able to get them back. Therefore, it will distort what we have had in this country — a good and peaceable kingdom.

Hon. Gérard-A. Beaudoin: I should like to move the adjournment of the debate, if no other honourable senator wishes to speak.

Hon. Joseph A. Day: Honourable senators, I wonder if we could hear from Senator Beaudoin as to when he might speak on this. I want to give the honourable senator an opportunity to speak, but we were hoping this might go to committee today.

The Hon. the Speaker: We are on a motion. Senator Beaudoin, did you wish to respond?

Senator Beaudoin: Honourable senators, I intend to speak tomorrow on one aspect of the bill.

The Hon. the Speaker: I think that answers any questions that honourable senators might have had.

On motion of Senator Beaudoin, debate adjourned.

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Leave having been given to revert to Notice of Motions:

Hon. Donald H. Oliver, Chairman of the Standing Senate Committee on Agriculture and Forestry, with leave of the Senate and notwithstanding Rule 58(1)(a), moved:

That the Standing Senate Committee on Agriculture and Forestry have power to sit after the vote today, even though the Senate may then be sitting, and that Rule 95(4) be suspended in relation thereto.

Motion agreed to.

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY— MOTION IN AMENDMENT NEGATIVE— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Trenholme Counsell, seconded by the Honourable Senator Massicotte, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the Third Session of the Thirty-seventh Parliament,

On the motion in amendment of the Honourable Senator Comeau, seconded by the Honourable Senator Beaudoin, that the motion be amended by adding:

"That the Senate of Canada regrets that the Speech from the Throne does nothing to either deal with the culture of corruption that has pervaded the federal government in the last ten years or to fix the broken machinery of government system."—(12th day of resuming debate)

The Hon. the Speaker: It being 5:15 p.m., pursuant to the order adopted by the Senate on February 23, 2004, I interrupt the proceedings for the purpose of putting the question on the motion in amendment of the Honourable Senator Comeau concerning the Speech from the Throne. The bells to call in the senators will be sounded for 15 minutes, so that the vote takes place at 5:30 p.m.

Call in the senators.

• (1730)

Motion in amendment negated on the following division:

YEAS THE HONOURABLE SENATORS

Andreychuk	Keon
Beaudoin	Kinsella
Buchanan	LeBreton
Cochrane	Lynch-Staunton
Comeau	Nolin
Di Nino	Oliver
Forrestall	St. Germain
Gustafson	Stratton—17
Kelleher	

NAYS THE HONOURABLE SENATORS

Austin	Kenny
Baker	Kirby
Banks	Kroft
Biron	Lapointe
Bryden	Lavigne
Callbeck	Lawson
Carstairs	Léger
Chaput	Losier-Cool
Christensen	Maheu
Cook	Mahovlich
Cools	Massicotte
Corbin	Mercer
Cordy	Milne
Day	Moore
De Bané	Munson
Downe	Pépin
Fairbairn	Phalen
Ferretti Barth	Plamondon
Finnerty	Poulin
Fitzpatrick	Poy
Fraser	Prud'homme
Furey	Ringuette
Gauthier	Robichaud
Gill	Roche
Grafstein	Sibbeston
Graham	Smith

Harb
Hervieux-Payette
Hubley
Jaffer
Joyal

Sparrow
Stollery
Trenholme Counsell
Watt—61

ABSTENTIONS THE HONOURABLE SENATORS

Atkins

Murray—2

On motion of Senator Beaudoin, debate adjourned.

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Leave having been given to revert to Notices of Motions:

Hon. Peter A. Stollery, Chairman of the Standing Senate Committee on Foreign Affairs, with leave of the Senate and notwithstanding rule 58(1)(a), moved:

That the Standing Senate Committee on Foreign Affairs have power to sit today after 6 p.m. today, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Motion agreed to.

FISHERIES AND OCEANS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Leave having been given to revert to Notices of Motions:

Hon. Gerald J. Comeau, Chairman of the Standing Senate Committee on Fisheries and Oceans, with leave of the Senate and notwithstanding rule 58(1)(a), moved:

That the Standing Senate Committee on Fisheries and Oceans have power to sit at 6 p.m. today, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Motion agreed to.

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Moore, seconded by the Honourable Senator Ferretti Barth, for the second reading of Bill C-13, to amend the Criminal Code (capital markets fraud and evidence-gathering).

Hon. James F. Kelleher: Honourable senators, I am pleased to rise today to speak at second reading of Bill C-13. We in the Conservative Party of Canada support this bill and only wonder why it has taken so long for the government to take action.

The world has for some time been well aware of the financial scandals that have taken place in recent years in the United States. Indeed, the word "Enron" is almost synonymous with the words "financial scandal." Last year, the Standing Senate Committee on Banking, Trade and Commerce conducted lengthy, intensive and comprehensive hearings on the impact that Enron was having on the confidence of Canadians in the marketplace. Its excellent report included several recommendations aimed at curbing corporate corruption and restoring the public's confidence in the stock market.

• (1740)

Of course, one might have legitimately asked at the time: Is the fallout from Enron really our problem since it occurred in the United States? Why should we be worried here in Canada?

Enron, Tyco, WorldCom and the like were only the biggest of the corporate scandals that took place. They were so big that their high profile perhaps obscured the fact that Canada has undergone a series of its own corporate scandals over the years. I need only mention the words Livent, Bre-X, Cinar, Nortel, Laidlaw and, most recently, the case of Hollinger Inc. to name a few. This proposed legislation is welcome in Canada in that it should, in some small way, contribute to the restoration of confidence on the part of the Canadian investor.

Honourable senators, let me review the main pillars of the bill because I do have some questions about them that I think need to be raised. First, the government proposes to establish six investigative teams dedicated to the pursuit of capital market fraud. These integrated market enforcement teams, IMETS, will be made up of RCMP investigators, federal lawyers and other experts dedicated solely to capital market fraud cases. These teams, the government argues, will enhance the effort to track down corporate criminals and deter future occurrences of these crimes.

These are lofty words. Catching white-collar criminals is one thing, but putting them behind bars is quite another. It seems to me that the financial criminals are not that hard to catch. They tend to identify and eventually undo themselves by their own insatiable greed.

This is true of these kinds of criminals in any walk of life, even those who might work in the public sector. The only question is how much damage they do before they reveal themselves. If we want to better deter these actions, we would be better served if a higher proportion of them ended up, as honourable senators on the Banking Committee never tire of hearing me say, "in orange suits."

I now suppose this issue is referenced somewhat in Bill C-13 by the government's proposal for tougher sentencing. Under this legislation, the current Criminal Code offences of fraud and fraud affecting the marketplace would be punishable by a maximum sentence of 14 years, up from the former maximum sentence of 10 years. The maximum sentence for fraudulent manipulation of stock exchange transactions would increase from five years to 10 years. Moreover, certain aggravating factors, such as the size of the economic fallout, could result in even longer sentences.

Honourable senators, I agree that tougher sentences are called for and I believe that their creation will send the right message to the Canadian investor, although I am not convinced that the message is not more illusory than real. In increasing the maximum sentence to 14 years from 10 years, it is highly unlikely that will curb, to any measurable extent, the fraudulent tendencies of those in the corporate world who stand to make millions of dollars from their various shenanigans. If they are not deterred by the possibility of spending the next 10 years of their lives behind bars, I hardly imagine that an extra four years will change their calculations much. It would be better, perhaps, to increase the minimum sentence rather than the maximum sentence.

Honourable senators, this legislation also includes whistleblower protection by creating an employment-related intimidation offence and creates a new Criminal Code offence of improper insider trading. This new offence includes more severe penalties than are currently available under provincial securities laws and adds to the prohibition of such activities under the Canada Business Corporations Act. Again, I would like to comment that the important aspect here is not the penalties themselves but ensuring that they are brought to bear more often.

Honourable senators, there is more to this legislation, but I would like to use the remainder of my time talking about the enormous irony of this bill being brought forward by the current government. It is hoped that this bill will increase the public's confidence in the corporate sector, but what will this government do to increase the confidence of Canadians in the public sector? That confidence has been shaken to its very foundation by the stupefying depth and breadth of the financial improprieties of the Liberal government. It beggars belief that when the government was developing this piece of legislation that we now have before us, it was at the same time knee-deep in the widespread corrupt financial practices it was seeking to curb in the private sector. I guess, as the saying goes, what is good for Peter is not good enough for Paul.

Honourable senators, the Canadian taxpayers are the public equivalent of corporate shareholders. They consider the money they contribute to the government an investment in their future in the future of their country and in the future of their children's country. They invest that hard-earned money in the firm belief that it will pay dividends. They invest in the belief that those to whom they entrust it will manage it to the mutual benefit of all, not just to the mutual benefit of a chosen few as this government has done.

That, honourable senators, is a shameful and outrageous betrayal. It is a betrayal and a scandal of the same order as those that have taken place throughout the corporate sector — the kind of scandal that this legislation has been designed to prevent and punish.

Honourable senators, the Liberal government should be aware that legislation is oftentimes not enough, at least for the shareholders. Sometimes they take matters into their own hands, as recently happened at Hollinger Inc. In that instance, it came to light that the chairman and chief executive officer was using shareholder money to enrich himself and his friends. In very short order, the man who controlled the company found that he no longer did so. The shareholders spoke and the chairman and CEO lost his job.

Soon, honourable senators, the Canadian shareholders will have a chance to speak and I, for one, will not be surprised if, like the man in charge at Hollinger, the man in charge at the PMO loses his job.

The Hon. the Speaker: Senator Kelleher, will you take a question?

Senator Kelleher: Considering the questioner, I do not know; but I will listen.

Hon. Consiglio Di Nino: Honourable senators, it is interesting that the honourable senator finished off his participation in the debate with such comments. I have a paper written by someone who deals with these matters, and it has an amazing title: "The Government of Canada: The Ultimate Enron." I would be happy to share the paper with anyone who wishes to read it.

This legislation is obviously intended for the private sector. Will it do anything to stem the abuses that have taken place in the federal government? Does the honourable senator think it would help in any way, or should we create another piece of legislation to deal specifically with the government sector?

Senator Kelleher: Honourable senators, I want to hear this answer, too.

I think we could use a little of both, Senator Di Nino.

Senator Di Nino: A little of both of what?

Senator Robichaud: Good answer.

• (1750)

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: It was moved by the Honourable Senator Moore, seconded by the Honourable Senator Ferretti Barth, that this bill be read the second time.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Moore, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.

CRIMINAL CODE

BILL TO AMEND—SECOND READING—
DEBATE ADJOURNED

Hon. Mac Harb moved the second reading of Bill C-14, to amend the Criminal Code and other Acts.

He said: Honourable senators, it is a pleasure for me to rise today to speak on Bill C-14. This bill is a criminal law bill that has a number of worthy amendments, the details of which I will explain in a moment.

First, I point out that while in the House of Commons, Bill C-14, formerly Bill C-32, received the support of all parties. It is a small and manageable omnibus bill that contains largely non-controversial amendments, but some of the amendments therein are urgent.

The first such amendment has to do with the weapons search and seizures warrant provisions in the Criminal Code. In July of 2002, the Ontario Court of Appeal found the wording in subsection 117.04(1) to be contrary to the Charter due to the fact that it did not explicitly contain and set out the belief that the peace officer is required to have in order to obtain a warrant to search and seize weapons, explosives or other regulated items. Although the requisite grounds to obtain a warrant may be known and applied in practice, it is important that the provision provide that explicitly in its wording.

In effect, the Ontario Court of Appeal decision in *R. v Earle* had been originally stayed for six months to allow the government to pass an amendment to rectify the problem. However, since the matter is being appealed to the Supreme Court of Canada, the stay has been further extended until the matter is resolved in that court. A motion is pending to delay until the fall the hearing currently scheduled for May 17, 2004. Obviously, it would be preferable to enact this amendment beforehand, to ensure that our laws are clear respecting the Charter rights of Canadians.

Also, another pressing amendment in Bill C-14 is the one dealing with the use of intrusion detection systems. Intrusion detection systems, IDS, are measures used by computer

management personnel to protect computer systems against attacks that could harm their systems, or to troubleshoot problems relating to quality of service. These intrusions detection activities include ensuring the flow of communications and maintaining the security and integrity of the computer system and the data in those systems. Computer management activities that are intended to prevent harmful intrusion into a computer system such as worms, viruses or breaches are legitimate and normal activities.

However, there is a risk that private communications could be intercepted while performing these activities. It is important that our criminal laws are clear in ensuring that those who conduct such defensive monitoring activities are not found criminally liable.

The amendment to the Criminal Code in Bill C-14 would provide exemptions for persons who operate computer networks similar to those that already apply to the data communications industry. The Financial Administration Act has also been amended to confirm authority for the federal administration to conduct such activities.

Honourable senators, a much anticipated amendment concerns the setting of deadly traps often organized by criminals to protect their unlawful activities. For years, law enforcement agencies such as police forces and firefighters have expressed concern about deadly traps that they encounter while entering premises in response to calls. Organized crime has become increasingly involved in what are commonly referred to as "grow ops" where residential homes are kept for the growth and production of illicit drugs. First responders, in this case firefighters, now face additional risk in entering such premises where deadly traps have been deliberately set to strike at intruders — be they firefighters, police or rival gangs.

The proposals in the bill seek to restructure the traps offence provision to provide for such activities, and increase the penalties where traps are set for the purpose of protecting a place used to commit other offences. The penalty for setting a deadly trap is currently five years. Bill C-14 seeks to raise it to a maximum of 10 years. We believe that this penalty should deter those kinds of offences. The penalties would increase to a maximum of 14 years if a deadly trap set in such a location injures a person. The penalty would increase to a maximum of life imprisonment if such a trap caused the death of a person.

As honourable senators can imagine, this particular amendment has received a great deal of support from law enforcement agencies as well as from the International Association of Fire

Fighters, which has expressed concern with the increased use of deadly traps in Canada.

Honourable senators, Bill C-14 seeks to make a small number of technical amendments. One such amendment would clarify the law with respect to the use of reasonable force on an aircraft in flight to ensure the safety of the aircraft and the people and property therein. Under the Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft, any crew members or passenger is authorized to take reasonable preventative measures when he or she has reasonable grounds to believe that such action is immediately necessary to prevent an offence that would endanger the safety of persons on board.

Honourable senators, the event that occurred on December 22, 2001, illustrates the circumstances that these proposals seek to address. On that day, a 29-year-old British man named Richard Reed had tried to set fire to explosives in his shoes while on an American Airlines flight from Paris to Miami. Fortunately, a vigilant flight attendant and a determined passenger thwarted this would-be suicide shoe-bomber, who later said that he was part of the Al-Qaeda network. He was overpowered, and a doctor on board sedated him until the plane landed at the Boston airport to where it had been diverted. Mr. Reed was arrested.

Honourable senators, a number of other amendments in this bill deal with both the French and English elements of the legislation pertaining to this aspect. They are synchronized in order to make it harmonious. I would ask for the support of honourable senators on this bill.

On motion of Senator Nolin, debate adjourned.

[Translation]

BUSINESS OF THE SENATE

Hon. Fernand Robichaud: Honourable senators, if His Honour were to seek it, he might find agreement to stand the remaining items in their place on the Order Paper until tomorrow.

[English]

The Hon. the Speaker: It is proposed that all other matters on the order paper be adjourned to the next sitting of the Senate. Is it the pleasure of honourable senators to adopt the motion?

Hon. Senators: Agreed.

The Senate adjourned until Wednesday, February 25, 2004 at 1:30 p.m.

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OFFICIAL REPORT
(HANSARD)

Wednesday, February 25, 2004

THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Wednesday, February 25, 2004

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

SENATORS' STATEMENTS

ADVANCEMENT OF VISIBLE MINORITIES IN THE PUBLIC SERVICE

Hon. Donald H. Oliver: Honourable senators, I rise today to draw your attention to a growing crisis in Canada's public service. I refer to systemic barriers to the advancement of Canadians of colour. I refer to systemic racism in the Canadian public service that has brought progress and advancement of visible minorities in the public service to a virtual standstill. There is no upward mobility and, more important, there is no inclination on the part of the government, the Governor — in Council or the Prime Minister to do anything about it.

The Speech from the Throne is silent about visible minorities. The speech the Prime Minister gave in the House of Commons following the pronouncement of the Speech from the Throne in the Senate is silent as to visible minorities. The major speech given in this chamber last week by the Leader of the Government in the Senate, the Honourable Jack Austin, is silent as to visible minorities. The freeze imposed by the Martin government on promotions and advancements has ended any hope of advancement of visible minorities in the public service.

So what is the problem, you may ask?

As honourable senators will know, in the 1980s the Government of Canada determined that there were four target groups in need of special measures in order that they could achieve equality. These four groups are: Aboriginals, women, the disabled, and visible minorities.

The new Martin government has brought forth many magnificent new initiatives in support of the first three, but has done nothing in relation to the fourth group — namely, visible minorities — which, sadly, still remain at the bottom of the heap. I have written eight times to the Clerk of the Privy Council, but not one of those letters has been acknowledged, let alone responded to.

My last note to the Clerk of the Privy Council requested, first, a reference to visible minorities in the Speech from the Throne and, second, the development of a special secretariat in the Privy Council Office for visible minorities, like that created by the Martin regime for the disabled and Aboriginals. No such luck.

Visible minorities are conspicuous by their absence in executive ranks of the public service, representing a mere 3.8 per cent.

Honourable senators, systemic racism in the Public Service of Canada has reached an all-time high. Morale among visible minorities is at an all-time low. There is little, if any, hope of advancement or of their being treated equally with others.

Honourable senators, now is the time for the government to act. I shall shortly be setting down an inquiry, calling upon the government to take action immediately with new initiatives designed to afford Canada's fourth target group — namely, visible minorities — the same rights, privileges and protections as all other Canadians. Please join me in efforts to rectify this pressing problem.

SPECIAL OLYMPICS CANADA WINTER GAMES

Hon. Catherine S. Callbeck: Honourable senators, today I want to pay tribute to an exceptional group of Canadians, individuals who have demonstrated that each of us has a potential to rise to new challenges. The people I refer to are the members of the teams from across the country that participated in last week's Special Olympics Canada Winter Games, in Charlottetown, Prince Edward Island.

The Special Olympics was first held in Charlottetown in 1968. Its founder, Dr. Frank Hayden, believed that people with a mental handicap could become more physically fit and acquire the skills they needed to participate in organized sports. Since then, the movement has grown to more than 28,000 athletes registered in Special Olympics sports programs across Canada.

Today, Special Olympics demonstrate the courage and commitment of athletes, the dedication of coaches and volunteers, fair and positive competition, and commitment to creating satisfying and rewarding experiences for everyone involved. Through Special Olympics, people with intellectual disabilities can live happier, healthier, and more confident and productive lives.

At the same time, the Special Olympics program helps to create greater acceptance for people with intellectual disabilities among members of society. Through this program, society can see the potential of people with disabilities, not just the limitations.

Last week's Winter Olympics in Charlottetown — the first ever held in Prince Edward Island — will be especially remembered. A severe winter storm hit the province, leading to a declaration of a state of emergency. However, all the competitions were completed and the Special Olympians took it all in their stride by demonstrating their resiliency, and the true spirit of Olympic sportsmanship was achieved.

Honourable senators, I ask you to join with me in congratulating the organizers, the participants, the coaches, the friends and family who helped make the 2004 Special Olympics Canada Winter Games such a resounding success.

HEALTH CARE SYSTEM

Hon. Gerry St. Germain: Honourable senators, I want to read a few excerpts from the Canadian Medical Association's press release of today. I believe it clearly paints a picture of the damage done to our health care system by the present Liberal government.

Honourable senators, our health care providers have been doing yeoman's work with a system that has been underfunded. The government's approach to funding health care mirrors its 35-year policy of underfunding National Defence — and honourable senators know the damage that has been created by that policy.

Honourable senators, the CMA had the following to say about the state of our health system. Dr. Sunil Patel, president of the CMA, said the following:

"Canadians are telling us that waiting for health care is making them sick and tired." As a physician, I, too am tired — tired of constantly defending the system to patients asking me why — "Why must I wait so long for my referral, my tests or my treatment?"

Most Canadians have indicated that they feel waiting times are only getting worse.

Dr. Patel continues:

There is no doubt among Canadians that the biggest obstacle to access is the shortage of health care providers. That may not be news, but it is well past time that someone did something about it — Canadians are suffering for it.

The CMA is calling for the creation of a five-year, \$1-billion health human resources reinvestment fund. Such a fund, coupled with the creation of a health institute for human resources, will allow for national, long-term sustainable health human resource planning to put more hands on deck, not just physicians, but also others such as nurses and technicians. These initiatives will also help address critical needs such as the current lack of medical residency positions.

• (1340)

To address health infrastructure concerns, such as improving hospital facilities and the ability to upgrade medical devices, the CMA is also calling on the federal government to stop clawing back health care funding by fully rebating or reducing to zero the GST paid by the health care system. This initiative will provide at least some relief from the ongoing cost pressures and is in keeping with the spirit of recent federal announcements regarding the GST and municipalities.

Dr. Patel concluded by stating:

Despite royal commissions, Senate studies and first ministers accords, Canadians are not seeing any improvement in access to health care. In fact most feel waiting times are only getting worse.

Timely access to quality care must become our credo if we are to address this crisis of confidence in accessing medicare and preserve the health care system of which we are all so proud.

[Translation]

QUEBEC FILM INDUSTRY

Hon. Lucie Pépin: Honourable senators, it is my pleasure to congratulate the members of the Quebec film industry who were honoured at the Jutra Awards on Sunday.

The Barbarian Invasions confirmed its excellent reputation, receiving four awards, including the Jutra for best film. Its director, Denis Arcand, also received the awards for best screenplay and best direction. This film won the same awards at the Nuit des Césars, which honours French cinema.

The other big attraction of the evening was *Seducing Doctor Lewis* by Jean-François Pouliot, which swept up seven awards. In addition to the Billet d'or and the awards for best supporting actors, this film was also honoured for its art direction and editing.

Serge Thériault received the Jutra for best actor for his role in *Gaz Bar Blues*, a film which also received an award for its music.

This sixth annual Jutra Awards gala topped off a particularly splendid year for Quebec cinema. In fact, 2003 was an exceptional year for the film world in Quebec.

I would like to express my sincere thanks to all the men and women who have contributed to the success of the films; to the actors, directors, distributors, screenwriters, producers, technicians and composers, I would like to say how much we have appreciated their work. You have created magnificent works of art that have made us dream and stirred our emotions, and in general have pushed us to take a deeper look at our world and all who live in it.

In an environment dominated by the Hollywood machine, our talented filmmakers have succeeded in finding an appreciative audience for films of another kind, not just those made for commercial motives.

This kind of cinema mirrors the distinctiveness of our Quebec culture and also displays Canadian culture in all its diversity. These fine productions will carry our values and our vision of the world around the planet.

I could not finish without wishing good luck to Denis Arcand and Denise Robert whose film, *The Barbarian Invasions*, is a nominee at this weekend's Oscars. To the teams who created *Seducing Doctor Lewis* and *Gaz Bar Blues*, and all the filmmaker of Quebec, I wish continued success.

[English]

HEALTH CARE SYSTEM

Hon. Sharon Carstairs: Honourable senators, I found this afternoon's statement by the Honourable Senator St. Germain interesting because I read the same press release and frankly had quite a different reaction. The federal government has been consistently adding to provincial health budgets — some \$34 billion in the health accord of 2003. Of that \$34 billion, \$16.5 billion was put aside to change the health care system, making it less dependent upon acute care hospitals and geared more to delivering home care services. Three particular issues were to be identified in this basket of services: post-surgical care, mental care in the community, and, close to my heart, palliative and end-of-life care.

Regrettably, the provinces and the federal government have yet to come to an agreement on how that \$16.5 billion should be spent. In my view, we do not have a lack of funding but rather a lack of willingness on the part of the players who deliver health care to come to a rational conclusion as to how money should be spent.

As regards the need to train more doctors in our country, that issue is well within the prerogative of the provinces because they fund the 16 medical schools in this country. They made the decision to decrease the number of training physicians, and they will have to decide to increase that number.

Senator St. Germain: Perhaps the government should quit trying to bully the provinces and work with them.

ROUTINE PROCEEDINGS

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY CHARITABLE GIVING

Hon. Richard H. Kroft: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on issues dealing with charitable giving in Canada. In particular, the Committee shall be authorized to examine:

- The needs and opportunities of Canadians in relation to various aspects of Canadian life (such as health care, education, social and cultural programs and institutions, senior care, heritage preservation, scientific research and more) and the ability of Canadians to assist in these areas through charitable giving;
- Current federal policy measures on charitable giving;
- New or enhanced federal policy measures, with an emphasis on tax policy, which may make charitable giving more affordable for Canadians at all income levels;

- The impact of current and proposed federal policy measures on charitable giving at the local, regional and national levels and across charities;

- The impact of current and proposed federal policy measures on the federal treasuries;

- any other related issues; and

That the Committee submit its final report no later than December 31, 2004.

STATE OF CANCER

NOTICE OF INQUIRY

Hon. Sharon Carstairs: Honourable senators, I give notice that on March 2, 2004, I will report on the state of cancer in Canada — its care, treatment and expectations for the future.

OFFICIAL LANGUAGES

BILINGUAL STATUS OF CITY OF OTTAWA—PRESENTATION OF PETITION

Hon. Shirley Maheu: Honourable senators, pursuant to rule 4(h), I have the honour to table petitions signed by another 48 people asking that Ottawa, the capital of Canada, be declared a bilingual city and the reflection of the country's linguistic duality.

The petitioners pray and request that Parliament consider the following:

That the Canadian Constitution provides that English and French are the two official languages of our country and have equality of status and equal rights and privileges as to their use in all institutions of the government of Canada;

That section 16 of the *Constitution Act, 1867* designates the city of Ottawa as the seat of government of Canada;

That citizens have the right in the national capital to have access to the services provided by all institutions of the government of Canada in the official language of their choice, namely English or French;

That Ottawa, the capital of Canada, has a duty to reflect the linguistic duality at the heart of our collective identity and characteristic of the very nature of our country.

Therefore, your petitioners ask Parliament to confirm in the Constitution of Canada that Ottawa, the capital of Canada, is officially bilingual, pursuant to section 16 of the *Constitution Act*, from 1867 to 1982.

• (1350)

QUESTION PERIOD

HEALTH

ACCESS TO CARE

Hon. Wilbert J. Keon: Honourable senators, I have a question for the Leader of the Government in the Senate. Indeed, my question has been partially answered by Senator St. Germain's and Senator Carstairs' statements. I must say to Senator Carstairs, I enjoyed her during her superb job as Leader of the Government in the Senate. We addressed this subject on a few occasions.

Senator Prud'homme: Hear, hear!

Senator Keon: However, this morning, I attended and participated in the press conference of the Canadian Medical Association, and its mission was a national health access campaign.

Its surveys show that 70 per cent of Canadians feel that they are not gaining adequate access to health care. Of that 70 per cent, 50 per cent feel that their health is being damaged because of lack of access to health care. They are advocating \$1 billion over five years to provide adequate manpower to deal with this access. Honourable senators will have noticed that yesterday the provinces just wanted money. We are not solving anything with just more money.

My question to the Leader of the Government is this: Does the federal government have any plan to get some movement here to move this agenda and get more doctors and nurses into the system?

Hon. Jack Austin (Leader of the Government): Honourable senators, as Senator Keon knows, the federal government, along with most of the provinces, has underway the establishment of a Canada health council. The purpose of that council is to provide the kind of coordination and direction that Senator Keon is asking for in this particular instance.

The subject of health coordination is also a leading agenda item for the forthcoming federal-provincial meeting on health, which is currently scheduled for July. That will be a first ministers meeting to advance the common agenda on health care in Canada.

May I say that I agree with Senator Keon that there needs to be more coordination and common agreement on where the priorities lie so that money will be directed to obtain real value in health care. I am sure that the government will respond to that kind of request.

Senator Keon: Honourable senators, I heard again this morning that there are some 40,000 foreign medical graduates living in Canada, many of whom could be properly trained to provide health care. The problem, again, is bureaucracy at its worst. This includes many people, including the medical profession itself, but, again, there is no movement.

Recently, the Ontario College of Physicians and Surgeons expressed its willingness to try to solve this problem, but the College claims it does not have the residency positions to solve it nor the money to provide the residency positions to solve it.

I ask the leader again — maybe I am pleading with him — could be some national leadership to break the logjam and get some action in this area?

Senator Austin: Honourable senators, there has been much discussion concerning the competence of foreign-trained medical personnel. As the honourable senator knows, part of the barrier is that the medical profession is a self-governing entity in each province. Part of the problem is that other parts of the medical treatment fraternity have similar rules, all established at the provincial level. As the honourable senator indicated, there are institutional constraints built into that system.

Again, maybe I am putting too much faith in the new Canada health council and the agenda of the first ministers meeting, but making the talents and training that are present in Canada available to Canadians and to the service of Canadians ought to be our objective. I will certainly advance the honourable senator's representation to the Minister of Health.

NATIONAL DEFENCE

FUNDING SHORTFALL—POSSIBLE CLOSURE OF BASES

Hon. J. Michael Forrestall: Honourable senators, it has been reported in the *National Post* and in other news media that Canada's army, navy and air force are faced with a funding shortfall of up to \$500 million. The military, as a result, is recommending closing some of the largest bases in the country. Reports indicate that in the fiscal year beginning April 1, just around the corner, the air force expects to be \$150 million short of funds needed to fulfil its current commitments. Unless additional government funding is awarded, the air force has suggested closing bases at Goose Bay.

Senator Rompkey: Never!

Senator Forrestall: I am pleased to hear the honourable senator say that.

Senator Stratton: How about Winnipeg?

Senator Rompkey: Over my dead body.

Senator Forrestall: Bagotville.

Senator St. Germain: When is the funeral?

Senator Forrestall: North Bay and Winnipeg — any takers?

Senator Stratton: He said "No."

Senator Forrestall: Further to this, honourable senators, the air force report indicates that unless its fleet of aging 130 Hercules tactical transport planes is replaced or modernized, the main transport base at Trenton could be closed well within 10 years.

Can the Leader of the Government in the Senate confirm those plans and plans for possible closures in Goose Bay, Bagotville, North Bay, Winnipeg and possibly Trenton and, as well, the very real difficulty the army is experiencing with CFB Gagetown?

Hon. Jack Austin (Leader of the Government): Honourable senators, as is often the case in the debate on military expenditures, stories are started in the form of advocacy by various people. Oft times, those stories are helpful in clarifying the situation as it is.

The current situation is that Minister of Defence David Pratt denies that he is looking at closing any bases. In fact, he says he is thinking of opening one additional base. I am delighted to have the question and the ability to clarify the situation.

Senator Stratton: No money.

Senator Tkachuk: With no cash.

Senator Forrestall: Before I go any further, I must ask the distinguished Leader of the Government if he would be so kind as to have that response forwarded to me as well as a verbal assurance here in writing.

Honourable senators, when you cannot set up a sponsorship program, you have to find some way of raising some money. I think this is somewhat of a first. Of course, Minister Pratt has plans for a brand new base. It is called DNDHQ. That is the abbreviation for it. The consultations have now gone beyond Public Works and Treasury Board, both of which departments, as I am told and understand, have signed off in a positive way with respect to this decision. The decision, of course, is to move current National Defence Headquarters from its present location to Nepean. We know who represents that riding in the other place. That is the new base.

• (1400)

I would like written assurance that all these other base closures, notwithstanding the position put forward by the minister, which I do not accept because there is just too much evidence to the contrary, are not to facilitate the cost of moving and re-establishing DNDHQ in the heart of the minister's riding. I ask for that assurance in the full awareness of the real difficulty we got into years ago when we were forced into the present location. I have no objection to headquarters being moved to a safer location, but not at the expense of five other Canadian bases. What are we talking about?

Senator Austin: Honourable senators, with the greatest respect, if a statement that I make on behalf of the government in the Senate is not acceptable to Senator Forrestall, what is the purpose of my answering his question?

Senator Forrestall: Sir, you can make your choice. If you do not answer my questions, if you think I place too much reliance on your answers, then I should disillusion you of that. I do not. You tell me what is in your little book and what you think I want to hear. My purpose is to obtain an assurance in written form so that people will have something to read and refer to, other than your

off-hand comments to my questions. The flippancy that accompanied the last answer is not acceptable to me, either, sir.

Senator Austin: You have my answer in written form in the context of the *Debates of the Senate*. That is about as written as it should be and should need to be. I do not intend to be flippant, but I feel quite put off when you make a categorical statement that nothing I say has any impact on you. You are wasting your time asking questions if you are not interested in the answers or giving some credibility to them.

TREASURY BOARD

PROGRAMS TO PROMOTE VISIBLE MINORITIES

Hon. Donald H. Oliver: Honourable senators, I have a question for the Leader of the Government in the Senate. Fully 73 per cent of new immigrants to Canada today are visible minorities. Visible minority incomes trail those of average Canadians by 15 per cent, once they get a job. Unrecognized credentials, such as the issue raised by Senator Keon, and learning costs cost the Canadian economy between \$2 billion and \$3 billion per year. Visible minorities are conspicuous by their absence in the executive ranks of the federal public service, comprising only 3.8 per cent of the total. The public service does not reflect the face of Canada. Will the honourable Leader of the Government in the Senate explain why his government — this government — has not introduced any programs for this fourth target group in an effort to assist and promote the advancement of visible minorities to the executive ranks?

Hon. Jack Austin (Leader of the Government): Honourable senators, I agree with Senator Oliver's goal, which I believe is a desirable one in Canadian public policy. I am not able to answer today as to the current government policy because I do not have that information at hand, but I will answer the question as soon as I do get that information.

Senator Oliver: Assuming that the minister does make that inquiry, there is a program that used to be called the One in Five, arising from a study entitled "Embracing Change." As a result of that study, it was determined that in order to equalize opportunity, one out of five new employees should be a visible minority. I understand that the funding for that initiative has now dried up. Could the leader determine whether that funding will be reinstated and, if so, to what levels?

Senator Austin: I will make inquiries.

THE SENATE

PROGRAM TO PROMOTE VISIBLE MINORITIES

Hon. Consiglio Di Nino: Honourable senators, on at least two or three occasions, I have raised the issue in the Senate about the Senate's own performance in dealing with this issue.

Mr. Minister, I do not know if you are the appropriate person to ask, but could we have a report to see how the Senate has advanced this issue, both at the executive and middle management levels? I do not think we have done a good job in our own house, so to speak.

Hon. Jack Austin (Leader of the Government): Honourable senators, I will draw the question to the attention of the Chair of the Standing Committee on Internal Economy, Budgets and Administration, which has responsibility for this aspect of the management of the Senate's business.

Senator Di Nino: Could the minister undertake to give us a response to that question please?

Senator Austin: I will certainly request it from Senator Bacon, Chair of the Internal Economy Committee, but she has a very independent mind. I am not sure how she will deal with my request.

FINANCE

RENEWAL OF EQUALIZATION PROGRAM— REQUEST FOR TABLING OF DOCUMENT

Hon. Lowell Murray: Honourable senators, it appears that last Friday the Minister of Finance tabled, at a meeting with his provincial counterparts, a document outlining the government's plans with regard to the renewal of the equalization program next year. I think it was intended as a confidential document. However, shortly after it was tabled, the provincial ministers were before the television cameras denouncing it, followed soon after by the federal minister defending it. This question will provide a lot of background noise for Bill C-18, which will probably come to us shortly, the sole purpose of which is to extend the present equalization program for a year. I think it is important that we know what it is they are talking about. I would therefore ask the Leader of the Government in the Senate if he would persuade Mr. Goodale to table that document in Parliament, or to release it in some other fashion, so that I do not have to wait for a brown envelope to materialize over the transom.

Hon. Jack Austin (Leader of the Government): Honourable senators, I will give the Minister of Finance a heads up with regard to the inquiry of Senator Murray.

HERITAGE

NATIONAL ARCHIVES— STATE OF STORAGE FACILITIES

Hon. Pierre Claude Nolin: Honourable senators, yesterday afternoon we heard Senator Léger talk about the poor state of the public archives. Last Sunday night, Radio Canada exposed, to at least the francophone Canadian public, the poor state of those very important Canadian archives. One example had to do with original documents from Samuel de Champlain, the founder of Quebec City, dating back to 1608. If this were the United States, I am sure that such originals would be framed in a showcase and that a building would have been built to house and display them to the public. What is the intent of this government, not a year from now, but now? Given what I saw on television last Sunday, we have a matter of weeks to protect the quality of those public archives. What does the government intend to do about that situation?

Hon. Jack Austin (Leader of the Government): Honourable senators, the government has certainly seen and studied the Auditor General's report on heritage sites and on the condition of the archives. The Minister of Canadian Heritage has underway a rapid response inquiry with her department. I hope action can be taken relatively soon to deal with the most immediate problems, but the systemic problem is still there. It is costly and will need to be addressed as well in the near future.

• (1410)

Senator Nolin: Honourable senators, I hope that cost is not the principal concern. Everything costs, but we are talking about national archives — national documents that go to the heart of the history of our country. I hope money is not the principal factor for the delay in getting involved in the proper protection of those unique documents.

Senator Austin: Honourable senators, I could not agree more with respect to the importance of protecting our documentary heritage. They are treasures. If there are gaps — and there are — in the way we are dealing with those documents, in preserving the history of Canada, then I certainly will be on the side of the Minister of Heritage in finding the funds.

TREASURY BOARD

AUDITOR GENERAL'S REPORT— SPONSORSHIP PROGRAM— SUSPENSION OF HEADS OF CROWN CORPORATIONS

Hon. Gerald J. Comeau: Honourable senators, the Prime Minister announced yesterday the suspension of three presidents of Crown corporations, namely, André Ouellet, President and CEO of Canada Post, Marc LeFrançois, President of VIA Rail, and Michel Vennat, President of the Business Development Bank of Canada. Both Mr. Vennat and Mr. LeFrançois were suspended without pay, while Mr. Ouellet was suspended with pay, pending the outcome of a wider audit.

Why did the Prime Minister come to the conclusion that Mr. Ouellet should get this paid holiday?

Hon. Jack Austin (Leader of the Government): Honourable senators, I would not describe it as a paid holiday. Throughout the circumstances of the sponsorship and advertising events Mr. Ouellet was the CEO of Canada Post. The Auditor General did not comment that Mr. Ouellet had a direct role whatsoever in any of the transactions that took place between the communications branch in Public Works and Canada Post. Nonetheless, he is responsible for the response to the administrative errors that took place while he was CEO. Therefore, it was the decision of the government that the questions concern the way in which the measures that involve the sponsorship program and Canada Post were implemented who implemented them, when Mr. Ouellet knew about those measures, and what action he took to deal with them.

However, there is no implication at this stage that Mr. Ouellet had any directing role or even knowledge of those events. The government has asked Mr. Ouellet to provide full documentation to answer this set of questions. As the President of the Treasury Board has said, if the government is satisfied with those answers, Mr. Ouellet will be back at his desk.

Senator Comeau: Honourable senators, I have a supplementary question.

Mr. Vennat does give the indication, from what I read from media reports, that he has lost the confidence of the Prime Minister. However, as of last week, the board of directors of the Business Development Bank of Canada passed a vote of confidence in Mr. Vennat. That leaves us in a quandary, because the members of the board are all government appointees. Should the Prime Minister not consider at this point the resignation of the full board of the Business Development Bank of Canada because of its confidence in Mr. Vennat?

Senator Austin: Honourable senators, I saw a report in a newspaper that the board of the Business Development Bank of Canada had passed a motion of confidence in Mr. Vennat. However, I have not been able to confirm that. What I do know is that the board of the Business Development Bank of Canada decided not to appeal the decision in the *Beaudoin* case and has taken no action with respect to Mr. Vennat. That is the only information I have at the moment.

PUBLIC WORKS AND GOVERNMENT SERVICES

AUDITOR GENERAL'S REPORT— SPONSORSHIP PROGRAM—AVAILABILITY OF FUNDS

Hon. Gerry St. Germain: Honourable senators, my question is supplementary to the questions of Senator Comeau.

Honourable senators, the following is a quote from Jamie Kelley:

They told me of a secret slush fund where they could access money for constituency programs. There was no application form, no process other than to write a letter to Mr. Pierre Tremblay at Public Works.

Yesterday, the Leader of the Government in the Senate said that every MP had access to the sponsorship fund. I polled the MPs in our caucus this morning. I deliberately asked them how many of them knew about the process and the fund. To be fair, two or three of them said to me that they had been advised that funds had been placed in their ridings, in organizations that were bona fide, as far as they were concerned. However, the MPs were never given any information that these funds were available to them. It seemed from their perspective that the fund was strictly for Liberal members of Parliament. Minister Anderson has complained that 80 per cent of the funding went to one particular province.

My question to the government leader is this: He says he is put off. How does he think we feel, as opposition members of Parliament? The government leader has done constituency work,

as have I, and he has done credible work. I would never take that away from him. However, when we were in power, I worked with people such as Brian Tobin, among others, and I still have a relationship with him because I was prepared, if we had a program, to have everybody share in it — not just one particular side.

In the minister's case, he possibly did not know about it, but the leader had to know about it. What will the Liberal government do about this outrageous behaviour?

Hon. Jack Austin (Leader of the Government): Honourable Senators, I always enjoy the vigour with which Senator St. Germain asks his questions.

I do want to make it clear that programs of the Government of Canada should be available to every parliamentarian, without exception, and not made available on the basis of partisan favour. That is a standard of public ethics and credibility that the government must maintain.

In the case of the sponsorship program, the government has initiated processes to examine what took place. Indeed, the nature and character of that program will be very well known by the time the judicial inquiry is concluded and, I would hope, far sooner, through the work of the Public Accounts Committee in the other place.

As Honourable Senator St. Germain knows, former Minister Gagliano will be a witness before the Public Accounts Committee in the other place tomorrow. I am sure that the examination of the events will be conducted in a very thorough way by members of that committee.

THE SENATE

UNITED STATES— PARTICIPATION IN MISSILE DEFENCE SYSTEM— REQUEST FOR DEBATE

Hon. Douglas Roche: Honourable senators, the Leader of the Government in the Senate will be aware that about 30 Liberal members of Parliament voted in the House of Commons yesterday against Canada participating in the U.S. missile defence system. At the very least, that reveals the depth of feeling on this extremely controversial subject, which is of critical importance to Canada's role in building global security.

The leader will know that I have raised the issue over several days about a government-sponsored debate in the Senate on this subject. I have studied the leader's answers and, as such, am at a loss as to what he means when he says that he is not certain what would be added by a debate at this time in the Senate.

• (1420)

Will the Leader of the Government in the Senate re-examine this issue and allow the Senate to speak, to have the voices of senators raised as a contribution to the alleviation of the concern of so many people as reflected in the debate in the House of Commons? The voices of the Senate should now be heard in the country on this very important subject.

Hon. Jack Austin (Leader of the Government): Honourable senators, first, I want to claim a victory for the Prime Minister's democratic reform program as witnessed by the vote in the other place during the missile defence debate. It is a great credit to the strengthening of the role of parliamentarians, in particular members of Parliament in the other chamber that government supporters were told to vote according to their convictions. It is interesting to note that the opposition parties voted en bloc. Therefore, they are clearly not yet ready to free their members to be real parliamentarians who can act on their convictions.

With respect to the specific question that Senator Roche asks, what I am saying to the honourable senator and this chamber is that the debate, while it would be valuable, is not one the government thinks should be sponsored by the government at this time. There is now a great deal of material in the public domain. I think a reasonable time should pass to allow public opinion to develop.

There is a time, however, Senator Roche, when this would be an appropriate subject for a government inquiry.

DELAYED ANSWER TO ORAL QUESTION

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I have the honour to present a delayed answer to an oral question posed by the Honourable Senator Gauthier on February 16, 2004, concerning the Federal Court ruling on a case brought by mayors of the Acadian Peninsula and appealed by government.

JUSTICE

FEDERAL COURT RULING ON CASE BROUGHT BY MAYORS OF ACADIAN PENINSULA— APPEAL BY GOVERNMENT

(Response to question raised by Hon. Jean-Robert Gauthier on February 16, 2004)

The Government continues to assume its responsibility for the implementation of Part VII of the Official Languages Act.

This part of the Act sets out the Government's solemn commitment to advancing English and French in Canadian society, including the development of minority communities. Although this is a policy commitment, this part of the Act is binding on all federal institutions.

The Official Languages Accountability and Coordination Framework specifies the enforcement procedures for this commitment as well as the responsibilities of each federal institution in that regard.

Through the reports tabled by the Minister of Canadian Heritage, who is mandated to coordinate implementation of Part VII, federal institutions report to Parliament for measures they have taken to ensure the fulfilment of this commitment.

Part VII of the Official Languages Act is declaratory, in that it does not expressly include any substantive legal right or obligation; this Part of the Act asserts a commitment by the Government of Canada. As a result, Part VII is not justiciable, in that it does not provide for a legal remedy in cases of alleged breaches. The legal scope of such a commitment has been the object of legal debates over a number of years.

As you know, on September 8th, the Federal Court issued a judgment in the case involving the Forum des maires de la péninsule acadienne. Justice Blais dealt with Part VII of the Official Languages Act, among other factors.

The Government believes that the appeal before the Federal Court of Appeal will help to clarify the legal scope of Part VII.

This legal debate in no way diminishes the Government of Canada's commitment with respect to the development of official language minority communities in Canada and to foster the full recognition and use of both English and French in Canadian society. In fact, the new Accountability framework quite clearly states the responsibilities of Ministers and public servants with respect to Part VII of the Act and reinforces mechanisms that were already in place to respect the Government of Canada's commitment to language duality.

As the matter is now before the Federal Court of Appeal, it would not be proper to comment in further detail.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, under Government Business, could I ask that the government bills be called in the following order, please? The first will be Bill C-4, followed by Bills C-20, C-17, C-14 and C-7. Out of deference to Senator Forrestall, I will quit at that point.

PARLIAMENT OF CANADA ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Austin, P.C., seconded by the Honourable Senator Rompkey, P.C., for the second reading of Bill C-4, to amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer) and other Acts in consequence.

Hon. Serge Joyal: Honourable senators, I will try to make my comments brief and to the point, as we say in court.

There are two points I wish to touch upon following the speech delivered yesterday by the Leader of the Government in the Senate. The first concerns the appointment of the ethics officer, whom I prefer to call "counsellor". The second point has to do with the reference that the Leader of the Government made to the specific point I raised as a senator concerning the issue of privileges and how far our privileges can be extended to the ethics officer in the performance of his or her duties.

The latter is a fundamental point because it immediately opens intervention through the courts, if the ethics officer is not protected under the rights of Parliament. Honourable senators will remember from our previous discussions that judicial intervention into the internal affairs of the Senate was a major consideration. In fact, it was one of two considerations.

The first consideration deals with the appointment of the ethics officer or counsellor by Governor General in Council. I commend the Leader of the Government for having recognized there is a problem. I understand he shares the concern that we have, that the process, as stated in the bill, is not complete at the very least.

The Leader of the Government recognized that it is impossible for the ethics officer to function properly, if he or she does not enjoy the support of a majority of senators on both sides of this chamber. This is the fundamental point of the action of the ethics officer, contrary to the Auditor General, the Privacy Commissioner, the Information Commissioner, the Chief Electoral Officer and so forth. Why? The answer is that this officer will have a unique responsibility in the internal affairs of the Senate. As such, each senator, whatever his or her political allegiance, must fully trust the ethics officer. I commend the Leader of the Government for having recognized that point.

The Leader of the Government expressed a wish that, through convention, we develop within this place a system that would satisfy our preoccupations. My concern with this intention is that it does not materialize in the legislation. I raised this point when we discussed the previous incarnation of this bill last fall.

The guarantees about which the Leader of the Government spoke yesterday should be in the text of the legislation so that whomever forms the government of the day will be bound by that process of selection to maintain the independence and the integrity of the ethics officer.

According to the bill, the Governor in Council who will appoint this officer has absolutely no constraints. Therefore, I wish to raise some questions. Where does one apply to present one's candidature as ethics officer? What are the qualifications? Who will be on the jury that will make the selection? All those concerns are normally managed by the Privy Council as in the case of the Auditor General, the Information Commissioner and all the other officers appointed under legislation. We know the procedure. In fact, we have declared our dissatisfaction with that procedure. Honourable senators will remember the Radwanski affair of last

year and the statement made by the then Leader of the Government that we have to review that mechanism because it does not meet our objectives.

Unless we have a government commitment that there will be an enabling statute to review the process of appointment of Governor in Council appointees who are officers of Parliament, then we are putting our trust and our faith in heaven. However, at this point in time, we do not have a specific answer to the concern that the process of appointing officers of Parliament is unsatisfactory, which has been put before us repeatedly.

I remind honourable senators of the statement made by the then Leader of the Government in relation to the Radwanski affair.

There is another aspect to all this. The government says, "Well, maybe we should think of a convention." As honourable senators know, a convention is not enforceable in court. What is enforceable in court is a statute. The Supreme Court in the patriation case reference, to which the honourable leader referred yesterday, has made, as one would say, crystal clear and unambiguous that a convention cannot be enforced by a court.

• (1430)

What can be enforced in court is a statute. If the Governor in Council of the day decided to appoint an ethics officer or commissioner, even though we will have developed a convention here, that convention would not stand up in court. That is why I still think that the amendment put forward by the Honourable Senator Bryden has some merit.

There is a point in the amendment of Senator Bryden — and I have continued to reflect on these things — that might be improved. Honourable senators will remember that Senator Bryden's amendment deals with the obligation of this chamber to appoint an ethics officer through a resolution with the respective concurrence of recognized parties in this chamber. This is the gist of Senator Bryden's amendment that was endorsed by a majority of members in this place.

My concern is that there is no time limit in that amendment. In other words, if the Senate decides to "stand" the issue — which, as we know, is a magical procedure in this chamber — there is no time limit. I believe we should consider adding the clear obligation to appoint the ethics counsellor within a specific period time, perhaps 30 or 50 sitting days, so that this house is under a compelling obligation to act. I give some merit to the positive criticism that was expressed following the adoption of that amendment.

Honourable senators, there are ways for us, at second reading, at committee stage and at third reading, to protect the principle of independence from the executive in a way that is satisfactory with the government objective that there be an ethics officer. The ethics officer would be appointed within a reasonable period of time, and we would keep the governance of our internal affairs to ourselves, by ourselves and for ourselves.

I wish to raise another point. The honourable Leader of the Government in the Senate singled me out in his speech, as he did some other senators. At the time, I tried to catch the attention of our Speaker, to ask some questions, so I am happy the Leader of the Government is here today, because I should like to share my arguments with him on the issue of privileges.

What are we dealing with when we speak about privileges? We are not dealing with an exceptional condition for senators or members of Parliament. We are dealing with the capacity of this chamber to perform its constitutional duty of revising legislation. That is why each and every senator in this place has the right to exercise his or her judgment, without any outside intervention, to the best of his or her capacity or knowledge, soul and conscience. This is constitutional law. The government does not fall here; we cannot defeat the government. When we pronounce, we pronounce at the end of the process, from our soul and conscience.

The Leader of the Government in the Senate states that I am wrong in my interpretation of proposed section 20.5(2) because I contend that we cannot give the ethics officer privileges that do not exist in the British House of Commons.

The Honourable Leader of the Government says that the Constitution is a living tree, not a dead end, and that the court has the responsibility to interpret it.

I submit to the Leader of the Government and to honourable senators different case law that does not support his conclusion.

The first case that I should like to bring to the government leader's attention is a most recent one, from February 6, 2004. The ruling in the *Telezone* case came down three weeks ago and relates to a matter of privileges.

The Ontario Court of Appeal in *Telezone* dealt with the privileges of the former Minister of Finance to refused to testify during a session of Parliament. The court spoke about privileges and where they derive from? I shall quote paragraph 18 of the judgment:

Two things are clear from the preamble and s. 18 of the *Constitution Act, 1867* and ss. 4 and 5 of the *Parliament of Canada Act*: (1) Canadian parliamentarians enjoy certain privileges, immunities and powers; and (2) the scope and contents of those privileges, immunities and powers must be measured against those "held, enjoyed and exercised" by the United Kingdom, especially in 1867.

Let me repeat: Our privileges must be measured against those enjoyed by the United Kingdom in 1867. That is what the Court of Appeal of Ontario decided three weeks ago.

The court went on to say, at paragraph 41:

... I do not see any development in constitutional or statute law since 1867 that would displace this conclusion.

What does that mean, honourable senators? It means that, according to section 18 of the Constitution, our privileges are to be measured with those enjoyed at the same time in the United

Kingdom House of Commons. I do not like that very much, because I thought that, in 1982, when we were studying the patriation of the Constitution, we wanted Canada to have a totally self-controlled Constitution. In fact, in the Constitution we provided in the text of the patriation package, sections 52 and 53 provide that, unless provisions are changed at the time, they remain the same.

The British Columbia Court of Appeal, a court that the government leader will know very well, had to interpret whether, because they remain arcane or talk of a bygone past, certain sections of the Constitution are inoperative. I would remind honourable senators that this house was part of such a reflection in 1990. Do honourable senators remember section 26 of the Constitution, the section used by the then Prime Minister to appoint eight senators in the GST debate? There was concern that the use of section 26 of the Constitution was inoperative. In fact, the B.C. Attorney General contended, in a reference sent to the B.C. Court of Appeal by the B.C. government, that some sections of the Constitution were inoperative because they were obsolete. The text of section 26 is very arcane. It states that the Queen, on the advice of the Governor General, can appoint a certain number of senators under her great seal — not under the Canada seal, but under her great seal, that is, the seal of the Mother of Parliament.

The court came to the conclusion, that, when the text of the Constitution is clear, we have no choice but to abide by this text.

The Hon. the Speaker: Honourable senators, the rules are clear. They provide that the second speaker is allowed 45 minutes, but the normal application of that rule has always been that that second speaker, when it is the government side that introduces, is given to the opposition. Senator Oliver adjourned the debate, but Senator Joyal is speaking. We have now gone 15 minutes.

May I ask honourable senators if it is our understanding that the opposition side will get the 45 minutes?

Hon. Senators: Yes.

The Hon. the Speaker: Accordingly, Senator Joyal, your 15 minutes have expired. Do you wish leave?

Senator Joyal: Yes, I wish leave, honourable senators. I shall complete my speech within five minutes.

Hon. Senators: Agreed.

• (1440)

Senator Joyal: This chamber was confronted 15 years ago with the same issue of the inoperability of some sections of the Constitution, especially the one dealing with the appointment of senators, and I would say, coincidentally in British Columbia. The British Columbia Court Appeal ruled on this very issue in a reference on February 6, 1991. At that time, the Court of Appeal of British Columbia stated that when there is a clear and unambiguous expression in the Constitution, the "living tree" doctrine does not apply. The decision was rendered by five justices. I was surprised by the clarity of the court's decision. The Chief Justice said:

Lastly, I am of the view that the "living tree" doctrine of constitutional interpretation, as discussed in *Re Section 24 of the B.N.A. Act*...does not justify a modification of the meaning of s. 26, which is expressed in clear and unambiguous terms.

Honourable senators, it is my contention that section 18, which defines our privileges, is clear and unambiguous. It is clear and unambiguous on the fact that we must measure our privileges on the basis of those that exist in the British House of Commons.

In case honourable senators think I am interpreting that out of the blue, I want to draw your attention to the testimony given by the Clerk of the other place on February 17 before the Standing Committee on Procedure and House Affairs. He clearly stated that section 4 of the Parliament of Canada Act is as valid today as it was when it was adopted in April 1868. The Canadian Parliament first recognized the equivalency of our privileges with those of the British House of Commons in a statute in 1868. It reappears in the revised statutes of 1886 1906, 1952, 1971 and finally 1985.

Each and every time Parliament has studied the existence and the source of its privileges throughout the last 137 years, it has been done in the same way and with the same limitation that exists in section 18 of our Constitution.

Honourable senators, I was even more surprised when I woke up this morning and went to my computer to check the Supreme Court's ruling in the *Vaid* case. Senators will know that this case is before the Supreme Court of Canada and that it deals with parliamentary privilege. Some honourable senators have spent a lot of time dealing with this issue.

Yesterday, the House of Commons tabled its brief on the question before the Supreme Court. It is almost fresh from the printer. Paragraph 29 states, "The privileges set out in section 4(a) and (b) have been legislated in essentially the same form since the very first Parliament in 1867-68." The other place has recognized that they, too, are bound by the nature of the privileges of 1867, or, if the Parliament of the U.K. has changed its privileges, we can adjust ours.

There is a rationale behind that and there is a negative consequence. The rationale is in the preamble of the Constitution. We are bound to have a Constitution "similar in principle to the one of the U.K." That is the first thing that students learn in first year Constitutional law.

This limit on our ability to enact legislation affecting these privileges raises questions. Senator Oliver has said that, as we are a mature Parliament, we might want to deal with this. I totally concur, but it will require a constitutional amendment. Section 18 deals as much with the privileges of the Senate and the House of Commons as with those of the provincial legislatures.

If we are to remove the reference to the British Parliament contained in section 18 as introduced in section 4 of a statute of this Parliament, we would have to amend the Constitution. So long as we do not amend the Constitution, we are bound by the 1990 *Rost v. Edwards* decision that, unfortunately, recognized that there was no such privilege in the U.K. and advised the U.K. House of Commons to legislate on the matter. Unfortunately, they did not legislate. Even though a joint committee of the British House of Commons and Lords recommended in 1999, in a two-inch-thick report, that they legislate, they have not legislated, so we are limited by that fact.

Honourable senators, when we look into the appointment and the role of the ethics officer, as much as we might want to ensure that this person remains under the control of a consensual agreement of the members of this house, enshrined by the free consent of however many parties exist, we must be sure that the courts will not intervene in the internal affairs of the Senate which are the responsibility of this chamber.

I have tried to make this simple, honourable senators. Those issues must be revisited by us in the most objective way, because once we have legislated we will all have to live with it. As I have said, if we do not want to find ourselves in court on this matter sooner or later, as the other place is presently, we should give the matter sober second thought.

Hon. Jack Austin (Leader of the Government): Honourable senators, I seek to ask a question of the very learned Senator Joyal.

Senator Joyal: I will accept a question with pleasure.

Senator Austin: This is great fun, honourable senators.

Senator St. Germain: Fun?

Senator Austin: Yes. It is serious, but it is great fun.

This Parliament has always had the designation "the high court of Parliament," and I think that the debate in which we are now engaged demonstrates again that particular part of its role.

I go some distance with the argument of the Honourable Senator Joyal, but, as I said yesterday, it is my view that *Rost v. Edwards* says that the power to extend privilege by statute is inherent in the British Parliament. That power existed in 1867; therefore, we have that same power. Is this the nature of parliamentary privilege as it is usually exercised? When I say "this," I mean that in Bill C-4 we are seeking to legislate a parliamentary privilege, as permitted in *Ross v. Edwards*, and it could be done in the U.K. It comes to a neat point, although not the only point but one I would ask the honourable senator to consider and to respond either now or at a later time.

• (1450)

Senator Joyal: The honourable senator raises an important issue: How do we create new privileges? Well, that is easy. The court has already answered that question in many famous Hansard cases dating back to 1770. The way to create privileges is, essentially, through an act of Parliament concurred in by both chambers. In other words, the other place cannot create a privilege for itself that we could not have. It needs the concurrence of both places.

Section 4 of the Parliament of Canada Act, which is extremely old, dating back to the first breath of Confederation, clearly states in subsections (a) and (b) that when we create the privilege, it must be done by an act of Parliament and it must be in accordance with what exists at the time in the U.K. Section 4 has another qualification, which states: "...as much as they are consistent with the British North America Act."

We legislated in 1868, and although we have restructured that power over the years, we have maintained those two limits to our capacity to legislate new privileges as enshrined in section 4. I would think that the Standing Committee on Rules, Procedure and the Rights of Parliament, which studied the issue of privileges and the relevant case to which I referred, would attempt to understand that. Over the years, there have been many cases before the courts that we know exactly what our limits should be and whether we should revisit section 4. I believe that the honourable leader wants to invite us to think about all the consequences involved in one simple section of the bill, which seems to be the most efficient way to protect our capacity to rule our internal affairs, but it might be a section containing many holes.

[Translation]

Hon. Gérard-A. Beaudoin: Honourable senators, when we patriated the Constitution in 1982, we asked London for the power to amend the Constitution at will in the future. I have always believed that, under section 41, we could completely change our Constitutional system, as long as we had the unanimous agreement of the federal government and the ten provinces.

We can even enact legislation with respect to the responsibilities of the Queen, the Governor General, and the lieutenant-governors, the Senate and its abolition, the amending formula, and so forth. I conclude that this extremely important section, section 18, can be amended. If we are unable to amend section 18, which deals solely with parliamentary privilege — a broad subject nonetheless — how are we to interpret section 41, which states that Canada could adopt a system other than a monarchy? I do not want to push for a republic.

I have a question. Canada has, in my opinion, remained true to the British crown. The Queen is the Queen of Canada.

But I cannot imagine how it is possible, in the Constitution we have fully patriated to Canada, to prevent section 18 of our own Constitution from being amended. This would mean that, in 2005,

we would still be subject to the limits of British parliamentary privilege. This is not certain, that much is clear! I would argue against such a position with great enthusiasm in a reference to the Supreme Court of Canada.

In my opinion, we have totally patriated the Constitution. And if we wanted to change our system, we could. The decision must be unanimous, of course, which is not easy. Why would Canadians not have the authority to amend section 18, which is part of our Constitution? If we do not, this means we will forever be under British rule. Either we are Canadian or we are not.

I think we could amend section 18 of the Constitution with the agreement of the federal and provincial governments. If we can amend the responsibilities of the Queen, the Governor General and lieutenant-governors, if we can amend the composition of the Supreme Court of Canada, if we can amend the amending formula, clearly we can amend section 18.

Senator Nolin: I do not disagree.

Senator Beaudoin: We can make all the amendments in Canada we want; otherwise our Constitution has not really been patriated.

Senator Joyal: Honourable senators, I want to thank the senator for his question. I would say two things. I share his opinion that we can amend section 18. In my explanation, I never said we could not.

Senator Beaudoin: Then I spoke for no reason.

[English]

I never contended that we could not amend section 18 and I will go even further: I think that we could amend section 18 through section 44 of the 1982 patriation package. Section 44 states that:

Parliament may exclusively make laws amending the Constitution of Canada in relation to the executive government of Canada or the Senate and House of Commons.

Section 18 deals with the Senate and the House of Commons. There is a clear statement in section 44 of the Constitution that recognizes that section 18 could be amended. Section 18 has not been amended. It is the law of the land and it stands as it is. My contention is that as long as it is not amended, and some authors have written about this, we have to apply it as the British Columbia Court of Appeal has said, "...when the terms are clear and unambiguous." That is essentially the argument.

I invite the honourable leader to reflect on this position. Perhaps we should not amend the section. This may be a term of reference that the Standing Committee on Rules, Procedures and the Rights of Parliament would want to consider because, as the honourable senator said, it is a part of a grown-up democracy in Parliament? Herein lies the problem.

If the honourable senator feels strongly, he has four weeks from the tabling of the brief in the House of Commons to consider an intervention before the Supreme Court. If there is something in this brief with which we do not concur or politely disagree, the honourable senator has four weeks to decide whether to seek intervener status before the court and to make his case. Perhaps we could go together to defend that stand because it is at the heart of the case that the court will soon decide.

[Translation]

Senator Beaudoin: Honourable senators, I am very glad Senator Joyal has said we can amend section 18. Bravo! If you had say so in the first place, it would have made things easier, but I am only teasing you. We know each other well. As long as this section is not amended, we are governed by it.

I have nothing more to say than that. Patriation is very important. That is why I think 1982 was so important: we acquired a Charter of Rights and Freedoms in our Constitution, which is quite something; we patriated the amending formula, which is also quite something; we kept the monarchy because we like it; we kept our British system because we like it. But we can do what we want; that is all that I ask.

• (1500)

[English]

Hon. Anne C. Cools: Honourable senators, I have been following the debate with some care. I should like to put a question or two to Senator Joyal, but I wish to begin by saying that I think Senator Joyal is correct.

Regarding the BNA Act, 1867, section 18, I support Senator Austin in what he just said. I do not have it in front of me, but there is a famous quotation by Sir Edward Coke, from his Fourth Part of the Institutes of the Laws of England, where he said:

As every court of justice hath laws and customs for its direction...so the High Court of Parliament hath also its own peculiar law, called the *lex et consuetudo parliamenti*.

One of the nice things about the government leader is his knowledge of the history and the mind of the law. That is a prelude to my question.

Honourable senators, the constitutional term is "received." Section 18 did more than enact the privileges of Parliament. What section 18 did constitutionally was to "receive" from England the ancient law, the ancient *lex et consuetudo Parliamenti*, and that is the law that grants the privileges of Parliament. What section 18 does, honourable senators, is to receive into Canada the ancient law that had been in motion and developing for close to 1,000 years.

One of the reasons the privileges of the Parliament of Canada are fixed is that the privileges that were received the law of Parliament from England were then fixed as well. I should like to

put to Senator Joyal the resolution that was passed — because this was a major issue in the U.K. — as to how far the houses would keep extending and expanding privileges.

In 1704, honourable senators, a resolution was passed in the U.K., by both chambers, that stated as follows:

That neither house of Parliament have power, by any vote or declaration, to create to themselves new privileges, not warranted by the known laws and customs of Parliament;...

Honourable senators, the framing of the BNA Act in 1867 and its articulation of the reception of the law of Parliament attempted to be very consistent with what was happening in the U.K. In the U.K., the privileges by then had been quite firmly and quite well fixed. Therefore, to that extent, Senator Joyal is absolutely correct.

That brings me to my question. I do not know if Senator Joyal has wrapped his mind around it. Since the privileges of Parliament are fixed, and we have Bill C-4 before us, a resurrected bill — I do not understand how it could be resurrected in the House of Commons because the corpse died here, but that is another point — if the privileges of the Senate and the House of Commons are equal, according to section 18, and if they are fixed, has Senator Joyal wrapped his mind around the question as to why this bill is before us? If the privileges are fixed, and if they are equal and coordinate, how is it that the House of Commons has acquired a privilege to defeat or to nullify a royal proclamation of prorogation? I wonder if the honourable senator has thought about that, because, to my mind, the House of Commons has no power to defeat a writ of prorogation. Neither house does.

My second question, honourable senators, is this: If the privileges are fixed and no new privilege can be created by the House of Commons or the Senate, how is it that this bill is again before us? Without three readings, and debate on three readings, and votes in the House of Commons, how is it that the House of Commons has assumed a privilege unto itself to be able to amend the great law and custom of Parliament in respect of the ancient law, which states that all bills in Parliament, to qualify for presentation to Her Majesty for Royal Assent, should have three readings in each House?

How is it that the House of Commons has been able to take these new privileges and just create them? Why is it that this chamber is being compelled to study this bill and consider this bill on the strength of unknown, if not fraudulent, privileges that the House of Commons has taken unto itself?

Senator Smith is looking at me, but I tell you, honourable senators, this is a critical and pivotal matter. Honourable senators, there is no power in either chamber to defeat or abrogate a writ of prorogation. A writ of prorogation is a termination of all proceedings.

Senator Joyal: Honourable senators, I shall be brief. I think honourable senators will share my concern when reading section 18 in conjunction with subsections 4(a) and 4(b) of the Parliament of Canada Act, because it is a step-by-step approach.

Section 18, as Senator Cools properly said, transfers to our Parliament the privileges enjoyed by the U.K. House of Commons in 1867. In the year following Confederation, a problem arose because legislation, adopted by the Canadian Parliament of the time, enacted a privilege for a House of Commons committee to administer oaths for witnesses when they were testifying in the context of issues related to, say, a railway scandal at the time.

The House of Commons adopted legislation to allow the administration of the oath to witnesses. The Senate adopted the bill, but some senators stood at the time and said, "There is a problem there, because we have section 18, which does not recognize that, in the U.K., at the same time, in 1867, there was no such thing as the administering of oaths to witnesses to any committee." Some senators expressed that view. Nevertheless, the bill passed, the Governor General signed it, and it was sent to Her Majesty.

Queen Victoria, in her imperial Privy Council, refused the bill. She disallowed the bill on the basis that the U.K. Parliament did not enjoy that privilege at that time. In the following months, the U.K. Parliament adopted the legislation; we re-enacted our legislation, and it has been valid since then. That was in 1868, the very first year of Confederation.

What I want to draw to the attention of Honourable Senator Cools is that there is a possibility for us to create privileges — that is what section 4 states. However, those privileges have to be measured against the level of privileges that exist at the time, when we create them, in the U.K. House of Commons. As I said, I could quote another decision of the Ontario Court of Appeal last year that recognized exactly that.

In other words, this is the law. We might not like it, but, if we do not like it, we should charge our Standing Committee on Rules, Procedures and the Rights of Parliament to study this and make a recommendation to amend this part of the Constitution.

• (1510)

Hon. John G. Bryden: Honourable senators, I would like to ask a question. I want to understand the implications that this wonderful debate has had on the bill before us. I am a simple country lawyer from Murray Corner, New Brunswick. I think I know what the important issue is, but I want to be sure that I understand Senator Joyal correctly.

Proposed section 20.5(2) of the bill purports to extend privileges to the ethics officer, and states:

The duties and functions of the Senate Ethics Officer are carried out within the institution of the Senate. The Senate Ethics Officer enjoys the privileges and immunities of the Senate and its members when carrying out those duties and functions

My understanding is that if this bill passes, we, as senators, would be dealing with a duly named ethics officer. We would confide in that person our dearest thoughts, such as the boards we sit on and the shares we own in certain companies. If someone were to sue one of us or if there were to be an issue and the ethics officer had knowledge that would relate to any action, this proposed section would purport to protect or prevent that ethics officer from being required to provide information.

I believe the thrust of the honourable senator's comment is that, without changing the constitution, this is a false protection; that is to say, this proposed section does not protect us at all and is subject to a very meaningful constitutional challenge.

Senator Joyal: Honourable senators, that is essentially my point. The ethics officer would not be a member of the Senate or of the other place. He or she would not begin with any of the rights that we enjoy in the performance of our duties. What are those privileges? They essentially ensure that we can exercise our duties with no intervention from the court. No one can take an injunction against Senator Bryden, when he is here, to speak in a specific way or to vote in a specific way. When he entered this place, he was totally protected in his capacity as a legislator. With this bill, we are trying to extend to an ethics officer, who is not a senator or a member of Parliament, the same rights, privileges and immunities that honourable senators enjoy in their capacity as senators.

If that section is null and void, honourable senators, it means that any court can intervene and look into all those aspects of his activities, and we have, of course, opened an aspect of our internal affairs to court revision. We should think twice before we do that because, of course, it has been an essential criterion of the legislative autonomy of Parliament to be outside of court interference.

On motion of Senator Oliver, debate adjourned.

BILL TO CHANGE NAMES OF CERTAIN ELECTORAL DISTRICTS

SECOND READING—DEBATE ADJOURNED

Hon. David P. Smith moved the second reading of Bill C-20, to change the names of certain electoral districts.

He said: Honourable senators, I am pleased to sponsor and to open second reading debate on Bill C-20.

Honourable senators are aware that the ridings in the other place have recently been updated by electoral boundary commissions established under the Electoral Boundaries Readjustment Act. Of course, this occurs after each decennial census. In accordance with the requirements of the act, the process began following the 2001 decennial census with the establishment of electoral boundary commissions for each province.

Thanks to the work of the commissions, a new representation order was proclaimed on August 25, 2003, providing a new electoral map for Canada. Seven new ridings were created: two in British Columbia, two in Alberta and three in Ontario.

These new constituencies ensure that the relative increases in population in these three provinces are reflected in the composition of the House of Commons. However, the representation order also changed many riding names, and some members from the other place, from three of the four parties — we are down to four now — expressed concern over some of the new names chosen for their ridings.

Now, honourable senators, we can appreciate that a riding's name is very important to its member and the people that he or she represents. Various factors are considered, such as geography, history and other identifying characteristics of the electoral district that the member represents. With regard to the 38 ridings that are before us, consensus was reached as to the new names. I will come to that shortly.

Based on the suggestions of the members concerned, on October 22, 2003, a new bill was introduced in the House of Commons, which is now this bill. It is one that changes the names of 38 electoral ridings contained in the 2003 representation order. Bill C-53, as it then was — now it is Bill C-20 — received unanimous consent for all remaining stages the following day. I would just like to repeat that sentence because it is such harmonic and melodic music to my ears: It received unanimous consent for all remaining stages the following day. That is evidence that the process has determined that the bill is very fair. Everyone can put partisan differences aside. I trust that we will be able to demonstrate the same degree of non-partisanship, and I believe that this will occur with us.

The previous bill received first and second reading in the Senate on October 27 and 29 of last year, and it was then referred to the Standing Senate Committee on Legal and Constitutional Affairs. The committee had not begun consideration of the bill when Parliament was prorogued on November 12, 2003.

The government reintroduced the bill on February 23, 2004, as Bill C-20. Once again, the bill received unanimous consent and passed through all stages the same day. Not only did this magnanimous unanimity occur once, but twice.

The new bill is identical except in one respect. It now contains a coming-into-force date of September 1, 2004. That is simply to accommodate operational pressures at Elections Canada, particularly as a result of the coming into force of Bill C-24 on January 1, 2004. That is the bill regarding political financing. As well, there is the implementation of Canada's new electoral boundaries following their proclamation on August 25, 2003.

This slightly delayed coming-into-force date will give Elections Canada the necessary lead time it requires to adjust to and implement the riding name changes, while coping with other workloads.

• (1520)

At the same time, the bill provides assurances to the members concerned that the names of their ridings will be changed in accordance with their wishes and the agreement of all parties in the other place.

It is worth noting that this bill is not the first of its kind. Parliament has intervened to change the names of electoral districts several times in the past. In fact, 57 electoral district name changes have been carried out by four separate acts since the 1996 representation order.

The process that was followed was that the house leaders from all the parties agreed that only those name changes would proceed on which there was unanimity. It is my understanding that 40 name changes were proposed, two in which there was no unanimity. I do not think we need to get into that, although one of the members from those ridings complained to me this morning, but he was rather resigned to his fate.

For the record, it is also worth noting that of the 38, 11 came from the Bloc, 9 came from the Liberal Party, 9 came from the PC Party, and 9 came from the Alliance Party. The total of those numbers is 38. As I mentioned, where there was no unanimity, in the instance of two other ones, they were not included.

Honourable senators, as I mentioned earlier, this bill received unanimous consent in the other place. I trust that Canadians can have their riding names changed as a result of a process that is hard to disagree with, whereby all four parties put these changes forward unanimously.

I should mention that there were no NDP name changes requested. However, the NDP did cooperate and were part of the group that determined unanimity on the 38 that have proceeded.

I thank honourable senators for their attention.

Hon. Lowell Murray: Honourable senators, first, might I ask a question of the Honourable Senator Smith?

Senator Smith: Of course.

Senator Murray: The names that are being changed were settled upon, were they not, by the various redistribution commissions in the provinces? Did the members in question and other citizens not have an opportunity in the process to ask the redistribution commissions to change the names before the final report came in?

Senator Smith: At an early stage, that process occurred. However, there were these instances where the name that emerged was, for whatever reasons, not agreed to. Each of the parties engaged in the same process. As I said, honourable senators, there were 11 instances from the Bloc, and the other three parties, excluding the NDP, had 9 each. The house leaders met, consulted, and there was unanimity. It was determined by the House leaders in consultation.

Senator Murray: Honourable senators, this is of the same order as the redistribution process itself. The members, for the time being, from those various constituencies, do not own those constituencies. It should not be left to them, as it is being left to them, to decide what the name of the constituency should be.

My friend talks about a process. Can he describe the process? He says there were 40 requests, two of which fell by the wayside and the others were accepted in a nice spirit of — is it comity or log-rolling?

Senator Smith: I believe comity is the right word. I actually find it refreshing and pleasing to the ear to learn that our House leaders can sit down and reach an accommodation.

The honourable senator asks: Who is accountable? In most instances, I believe the incumbents are running for re-election. I suppose if someone took great exception and wanted to make an issue of it, he or she could do so.

My understanding is that it was done very much in a spirit of goodwill. Frankly, if it were not done in a spirit of goodwill, I do not think all of the processes could have been completed so quickly, twice. That just does not happen.

Senator Murray: I would suggest to the honourable senator that whether it was achieved in a spirit of goodwill or not is irrelevant. I am sure there was a lot of goodwill because, whenever the interests of incumbents are involved, as they perceive them, what you have is a lot of back-scratching, and it is easy to get unanimous agreement.

Let me ask the honourable senator if he can defend these propositions, about which I will give a couple of examples. The riding of Charlevoix—Montmorency will now become Montmorency—Charlevoix—Haute-Côte-Nord. What that is about is a member of Parliament who wants to throw in as many parts of the constituency as possible into the name of the constituency.

Honourable senators, look at Matapédia—Matane. It will become Haute-Gaspésie—La Mitis—Matane—Matapédia. Good Lord.

Rimouski—Témiscouata, which is long enough already becomes Rimouski-Neigette—Témiscouata—Les Basques.

The electoral district of Rivière-du-Loup—Montmagny — the name of which is long enough already — becomes Montmagny—L'Islet—Kamouraska—Rivière-du-Loup. They have named practically every poll in the riding.

I do not want to pick on Quebec. People may accuse me of Quebec bashing. Let me go on Ontario. Kitchener—Conestoga becomes Kitchener—Wilmot—Wellesley—Woolwich. This is nonsense.

We should block this thing. We should not allow this thing to go through at all. Leave the names of the ridings the way the redistribution commissions named them. The members had an opportunity to change these. For good reason, impartial commissions decided against them.

At any rate, I will not be the chief speaker on this bill.

Senator Smith: Has the honourable senator completed his question?

Senator Murray: Yes, I have. I look forward to the honourable senator's answer.

Senator Smith: I have greater faith in the goodwill of the various members who may have brought these motions. I think it is fair to show them respect for the feel and the nuance, the massaging they want to do, to come up with what they think is the most appropriate name.

Honourable senators, in the same spirit of harmony, it is fine to move this on, given the unanimity with which it was passed in the other place.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I am a little confused as to why the effective date is only September of this year. The government is pushing very hard to have another bill passed so that the new electoral map will come into effect any time after April 1. Do I gather that, if an election were called between April 1 and September, it will be the names recommended by the commissions that will be on the ballots and not the new names that these members are keen to have adopted? Why the delay?

Senator Smith: It is my understanding that the new names would not come into effect until September 1. I know there has been some misplaced scepticism about whether Elections Canada will be ready with regard to a date, say after April 1, and that is the subject of another bill. We have heard from Mr. Kingsley repeatedly — in fact, I think he will be at committee today, where that question can be put to him — that they are ready to do that.

As I understand it, they do have some workload, particularly flowing from the financing situation of the bill relating to election financing. It was agreeable to everyone that it was fine to put this off until September 1. That is what has been done.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, to begin I wanted to ask a few questions of my old friend from the Young Liberals — who is still my friend I hope.

[English]

Instead of doing so, without my notes, I will speak on the bill. It is a well-known fact that I oppose this bill for the same reason put forward by our esteemed colleague, Senator Murray.

• (1530)

A due process took place. It is almost like redoing completely the work done by those commissioners that sat across Canada and listened to representation.

My colleague saying that there was happy unanimity in the other chamber does not in any way, shape or form surprise me. They are totally in a conflict of interest, as they have always been because they are dealing with things pertaining to themselves. I have always opposed that in the House of Commons, and I do not see why I should not oppose it here.

I have always had the honour to represent the district of Montreal-Saint Denis, which was held by my predecessor, Azellus Denis, who was the longest serving parliamentarian in Canada — a total of 55 years. He served in both chambers. I do not know how he handled that. I served longer that he did in the House of Commons, but, unfortunately, I cannot defeat his record for serving in the Senate — he died in office after having been a senator for 27 years — because I must retire at the age of 75. That is why I am announcing that I may run in my old seat, if it is available.

Having said that, I oppose this bill for reasons I have stated often in the past — and will not bore you by repeating them. There is a conflict of interest here. It is great that there is unanimity between the political parties — and I appreciate very much the argument of Senator Smith — but that does not convince me that it is the way to go. On one occasion, honourable senators, not even being a candidate for Speaker of the House of Commons — and I did not even put my name forward — my name stayed on the ballot until the seventh vote. Was it a mistake or not? Only 26 Liberals of 301 came to vote.

I cannot imagine the Speaker of the House of Commons having to deal with the new electoral district names every time he has to recognize a member. I will not repeat them all, but, as one example, he will be required to say the following: “The floor is now open to the honourable member of Kitchener—Conestoga—Wilmot—Wellesley—Woolwich.”

Not that that, in itself, is a strong argument, but I like brevity. Senator Murray forgot the last one — West Vancouver—Sunshine Coast would become West Vancouver—Sunshine Coast Sea to Sky. At first, I thought it was sea-to-sea, sky country. There are limits as to what one can do.

Second, I am not convinced — however, the honourable senator is convincing me by his strong argument in answer to the Leader of the Opposition, the distinguished Honourable Senator Lynch-Staunton, whose grandfather sat in the Senate. Some honourable senators may not know that. I hope I am correct in that.

The honourable senator said that this would not come into effect before September 1. I am not sure about that, because most of those who came to make a representation to me are convinced

that we must pass the bill because it needs to be in place if there were an election before the summer. I will not name names.

In their urgency in the other chamber, some members may not have read the last half of this bill. They were promised at the last minute that their name would be changed to something else, and that was enough. They passed it unanimously. As often happens in the House of Commons, some of members may not have read the last half of the bill, which states that the act would come into effect September 1, 2004.

I intend to rush to tell those who came to see me that the bill will not come into effect until September, if the bill passes as requested. I am sure that every one of them will rush to their whip. I have had representation from two of the parties that were mentioned. One was the Bloc — and I will not mention the other. Personally, I think the time has come to say no.

Honourable senators, I will finish with the question that I want to ask the honourable senator. I remember many years ago that a member of Parliament from the south shore of Montreal — he was a very dear friend of mine, and of many members here — had a big fight with his returning officer. I am speaking of Mr. Pierre Deniger. There was a big fight in his local association regarding the returning officer. He represented the riding of Laprairie, Quebec. There was a returning officer there who did not meet the pleasure of many people. A bill was presented to change the name of Laprairie to LaPrairie. I had to look twice. They changed Laprairie to LaPrairie — capital “P”. It was a new district, so they had to appoint a new returning officer.

Let me ask the honourable senator the following question — and he can give me his answer in the corridor. Does that mean that all the returning officers — 308 of them — will have to be reappointed? I presume it means that they will have to be appointed, probably by an Order in Council.

Orders in Council seem to be come forth rapidly these days. Perhaps 38 more will not change much. However, they will have to redo the consultation, and redo the Orders in Council, to arrive at the monstrosity of this multiplicity of names.

Honourable senators, if this were to be put to a vote, with all due respect to my good friend on the other side, I will vote against. To remain consistent with my views on this issue, I am not receiving this bill with great enthusiasm.

Senator Smith: Honourable senators, I was not aware that that was a question.

Senator Prud'homme: No, I said it was a speech.

Senator Smith: It was a speech.

The Hon. the Speaker: Then you do not have to answer, Senator Smith, but you can offer a comment, if you wish.

Senator Lynch-Staunton: Let him comment.

Senator Austin: You can ask him a question.

The Hon. the Speaker: I wondered as well whether Senator Prud'homme was speaking or whether he was asking a question.

It turns out that Senator Prud'homme was asking a question. I was wondering because of the tradition that we follow in our rules of a 45-minute time allocation, if it starts on the government side, for the opposition side. It was my intention to interrupt Senator Prud'homme at 15 minutes to clarify, as I did with Senator Joyal. It is not always easy to determine whether an honourable senator is asking a question.

In this case, it turns out that the Honourable Senator Prud'homme was not asking a question, but rather that he was speaking.

Senator Prud'homme: I made that clear.

The Hon. the Speaker: Honourable senators, in the case, I should not have gone to Senator Smith, except that Senator Smith is entitled, not in closing the debate, because we provide for this in our rules, but to make a comment or ask a question of Senator Prud'homme.

Senator Prud'homme: That is right, yes.

The Hon. the Speaker: Do you wish to make a comment, Senator Smith?

Senator Prud'homme: Honourable senators, regarding the rules, His Honour was returning to his Chair when I said, very clearly at the beginning of my speech, that I had initially intended to ask a question but instead decided to make a speech. That is what I said. It was not a question.

However, His Honour is absolutely right: I have completed my speech. I do not intend to use up the 15 minutes allotted to me. Hence, of course, the honourable senator can ask me questions now. As His Honour pointed out, he will not terminate the debate.

The Hon. the Speaker: Do you wish to comment, Senator Smith?

Senator Smith: Honourable senators, I will simply say that I would defend to the death the right of Senator Prud'homme to vote against this bill.

• (1540)

The Hon. the Speaker: Honourable senators, allow me to clarify that we are of the understanding that the 45 minutes will be given to the first speaker on the opposition side. Is it agreed?

Hon. Senators: Agreed.

On motion of Senator Kinsella, debate adjourned.

[Translation]

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Harb, seconded by the Honourable Senator Biron, for the second reading of Bill C-14, to amend the Criminal Code and other Acts.

Hon. Pierre Claude Nolin: Honourable senators, I am pleased today to comment on some of the provisions in Bill C-14.

Although this is an omnibus piece of legislation, it makes important changes to the Criminal Code of Canada that should be studied very carefully by your Standing Committee on Legal and Constitutional Affairs.

Yesterday, Senator Harb, who was a little pressed for time, made an overly brief presentation of the amendments proposed by this parliamentary initiative regarding the placing, among other things, of traps for criminal purposes and for intercepting private communications.

While I support the principles underlying these amendments, I would like to express a few thoughts which, I hope, will help us review this legislation. Without any further delay, let us begin with the issue of traps.

From the outset, it is clear that Bill C-14 seeks to come down more harshly than the Criminal Code does on the use of traps by criminal organizations to protect their cannabis grow-ops against surprise visits by citizens who are a little too curious, by police officers, or by firemen.

In recent years, the number of grow-ops for cannabis and related products has increased significantly, particularly in Quebec, Ontario and British Columbia, which are the main producers of this illicit substance in Canada.

In order to evade law enforcement agencies, organized crime has greatly perfected its cannabis production techniques.

In the three provinces that I just mentioned, outdoor growing is progressively being replaced by cultivation in houses, apartment buildings located in formerly quiet residential areas, semi-trailers, barns, warehouses, empty factories and underground bunkers in large urban centres.

Because of their clandestine nature, the use of traps poses an increasing threat to the safety and, at times, the life of many residents.

These traps are also a threat to police officers who enforce the provisions of the Criminal Code and of the Controlled Drugs and Substances Act, and to firemen who answer calls from citizens concerned by the heat or the toxic fumes released during the cultivation of cannabis, not to mention other suspicious and even violent activities related to the presence of organized crime in their neighbourhood or apartment building.

These "protection systems" often take the form of holes in the floor or in the ground, electrical wires, explosives, devices designed to shoot a bullet or an arrow, or pieces of metal laid on the ground. According to RCMP reports, the use of such devices is increasing.

Honourable senators, the Criminal Code already includes a provision making it a criminal offence to place a trap with the intention to cause bodily harm or death.

The Canadian Division of the International Association of Firefighters and the Canadian Professional Police Association inform us that this provision has not been sufficient to adequately protect their members, several of whom have been seriously injured by such systems.

Honourable senators, Bill C-14 responds, or attempts to respond, to the legitimate concerns of the two associations I have mentioned.

That said, I would now like to ask you this question: Will the amendments proposed in Bill C-14 put an end to the use of traps by cannabis growers?

Over the years, tougher criminal sanctions to combat the phenomenon of cannabis have had no tangible effect on the trend toward use of this substance in Canada or anywhere in the world.

From this perspective, I would like to believe, but do not, that increasing the prison sentence for the use of traps from five to ten years, and the creation of a new offence intended to punish more severely the use of such devices in a place kept or used for the purpose of committing other offences will have any effect on the practices of organized crime. This is why.

The indoor growing methods that I mentioned earlier make it possible to produce thousands of cannabis plants quite easily. For example, in January 2002 the police force of Sainte-Marthe-sur-le-Lac, northwest of Montreal, found 13 hydroponic grow-ops in a new residential area.

In total, more than 6,000 plants were seized by the police! This January, police in Barrie, Ontario, discovered and seized more than 30,000 plants in a former brewery.

According to the RCMP, two or three cases of indoor growing involving 10,000 to 20,000 plants are discovered each year in Canada.

Cannabis production is an extremely lucrative activity for organized crime, because it finances most of its other illicit activities such as money laundering, illegal gambling and extortion.

Although estimates of the size of the Canadian cannabis market are not reliable, the Senate Special Committee on Illegal Drugs estimated the total production of this substance in Canada at nearly \$6 billion in 2002!

It is therefore understandable that criminal organizations no longer hesitate to use traps to protect their crops. The lure of

money is so strong that it supersedes fundamental considerations for health, safety and human life.

Honourable senators, some of you may say that I am being pessimistic about the real chances for success of the amendments to the Criminal Code provisions on the placing of traps, since the report of the committee I had the honour of chairing recommended solutions that would have substantially slowed the proliferation of these often quite dangerous grow-ops throughout Canada.

• (1550)

Nothing could be further from my mind! As long as there is a prohibition on marijuana, we legislators will have to ensure that the Criminal Code severely punishes those who knowingly place a trap that is likely to cause death or bodily harm to innocent persons, particularly firefighters and police officers.

Honourable senators, I wanted only to prevent the amendments proposed in Bill C-14 from being seen as a panacea, the ultimate means of solving the problems caused, for example, by the cultivation of cannabis. This is a temporary solution. Is it a permanent solution to this scourge? No. We must not let ourselves think that increasing the sentences in the Criminal Code will solve this problem.

Furthermore, if in the near future the federal government adopts a system regulating the cultivation, distribution and possession of cannabis as our committee has recommended, the offences for placing traps need not be struck, as these provisions could be used to counter the activities of smugglers.

Now I would like briefly to touch on the amendments proposed in Bill C-14 regarding the interception of private communications.

In the context of the September 11, 2001 attacks, and the many cyber-attacks that have occurred over the past few years in the public and private sectors, protecting computer systems and the personal and confidential data stored on them from cyber-crime, as provided for in Bill C-14, is a highly commendable objective.

Let us not forget that many key sectors of the Canadian economy and the government depend on the security and stability of these systems.

Nonetheless, assurances by representatives of the Department of Justice that Bill C-14 will minimize the risk of excessive intrusion in the private lives of citizens should not stop us from enquiring about the training that public computer systems managers will receive as to the responsible handling of the data they will be intercepting in the near future.

We must also be informed about the standards that will be set by the Treasury Board Secretariat for preventing any abuse and guaranteeing that Canadians' right to privacy will be respected.

In the same vein, we must seriously question the measures that will be adopted by the various national associations representing private business interests in order to minimize the risks of abuse and prevent the fraudulent use of data intercepted.

Section 184 (2) of the Criminal Code already authorizes companies to intercept private communications in order to ensure the provision or quality of telephone or electronic services.

It would be interesting to know the practices currently used by Canadian companies for protecting the privacy of their clients and guaranteeing the accountability of their managers.

Honourable senators, these concerns are legitimate since it will not be the police, but managers, who will be intercepting this highly personal information.

There is currently an increasing number of Canadians who are concerned about the proliferation of private security agencies. Even though these companies possess significant powers, they are not subjected to the same requirements as police forces in terms of professional training, code of conduct and accountability, to ensure the protection of the fundamental rights provided under the Canadian Charter of Rights and Freedoms.

The situation that I just described is similar to the one that Bill C-14 could create. Therefore, we must be careful before giving these new powers to managers.

Moreover, the amendments to the Criminal Code cannot, alone, adequately protect computer systems in the private sector, and particularly in the public sector, from cyber-attacks.

In 1999, the report of the special Senate committee on security and intelligence revealed some serious flaws in the federal strategy to fight this new plague. It would be interesting to know if, since the events of September 11, 2001, the departments involved in this issue have taken the necessary measures to correct this disturbing situation.

Honourable senators, before concluding, I would like to point out that Bill C-14 also amends the provisions of the Criminal Code to ensure that victims of criminal acts are compensated more quickly by their aggressor.

In conclusion, I wish to reiterate my support for the principles that underlie Bill C-14. Again, your committee on legal and constitutional affairs will conduct a thorough and comprehensive

study of this legislation to ensure that the fundamental rights of Canadians are fully respected.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Rompkey, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

[English]

BUSINESS OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I know that we will be seeing the clock at 4 p.m., but before adjourning I think we can find agreement that all remaining items on the *Order Paper and Notice Paper* shall retain their position.

The Hon. the Speaker: Is it agreed, honourable senators, that at 4 p.m., at which time I am obliged to call the adjournment, all remaining items on the *Order Paper and Notice Paper* shall stand in their place until the next sitting of the Senate?

Hon. Senators: Agreed.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): What time does His Honour see?

The Hon. the Speaker: It is 3:59 p.m. Shall I call it four o'clock, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: I will see the clock as four o'clock.

The Senate adjourned until Thursday, February 26, 2004 at 1:30 p.m.

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NUMBER 17

OFFICIAL REPORT
(HANSARD)

Thursday, February 26, 2004

—◆—
THE HONOURABLE DAN HAYS
SPEAKER



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THE SENATE

Thursday, February 26, 2004

The Senate met at 1:30 p.m., the Speaker *pro tempore* in the Chair.

Prayers.

VISITORS IN THE GALLERY

The Hon. the Speaker *pro tempore*: Honourable senators, I would like to draw your attention to the presence in the gallery of George Bowser and Rick Blue, Canada's number one musical comedy duo. They have been writing and performing music and comedy together for more than 20 years. They are recipients of the Du Maurier Council for the Performing Arts "Special Merit Award," recipients of the COCA Entertainer of the Year Award, and twice recipients of the Best in Comedy and Variety on Campus Award.

On behalf of all honourable senators, I welcome you both to the Senate of Canada.

As well, honourable senators, I would like to draw your attention to the presence in the gallery of Ms. Lisa Freedman, Clerk of Committees at the Legislature of Ontario, who is on attachment to the Senate Committees Directorate for 10 days. She is meeting with members of the legislative sector to discuss many areas of mutual interest to the Senate and to Queen's Park.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

[Translation]

SENATORS' STATEMENTS

HEALTH

FEDERAL FUNDING IN SUPPORT OF FRANCOPHONE SERVICES, TRAINING AND RESEARCH

Hon. Rose-Marie Losier-Cool: Honourable senators, I would like to draw your attention to a recent announcement by the federal government that has not, I think, received enough publicity. On Monday, February 23, the honourable Pierre Pettigrew, federal Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, and his colleague the honourable Mauril Bélanger, Deputy Leader of the Government in the House of Commons — my counterpart in the other place — announced five-year funding of over \$25 million for three organizations in the nation's capital that defend the right of access to health care in their own language for francophones in minority situations.

The University of Ottawa will receive over \$17.5 million to train more students in medicine and related fields; La Cité Collégiale will get over \$4.1 million to improve and extend its training programs; and the Consortium national de formation en santé

will get over \$3.3 million to encourage recruitment, training and research in French in the health care field.

Three of my fellow New Brunswickers are heavily involved in the Consortium: Mr. Yvon Fontaine, Rector of the Université de Moncton, Dr. Aurel Schofield, coordinator of French-language medical training in New Brunswick, and Mr. Pierre LeBouthillier, CEO of the Corporation hospitalière Beauséjour in Moncton.

The \$25 million in funding announced on Monday proves that the federal government cares about minority francophone communities. This financing is only one part of the \$63 million that is to be spent over the next five years by the Contribution Program to Improve Access to Health Services for Official Language Minority Communities. This program was announced in the 2003 budget.

[English]

UNITED NATIONS

FORTY-EIGHTH SESSION ON STATUS OF WOMEN

Hon. Mobina S. B. Jaffer: Honourable senators, from March 1 to 12, the United Nations will hold in New York their forty-eighth session on the Commission on the Status of Women. Canada is proud to send a dynamic delegation under the leadership of Minister Jean Augustine.

The UN Commission on the Status of Women was created to prepare recommendations and reports to the UN Economic and Social Council on promoting women's rights in political, economic, civil, social and educational fields. The commission will focus on two themes this year: the role of men and boys in achieving gender equality; and women's equal participation in conflict prevention, management and conflict resolution and in post-conflict peace building.

The second theme of women, peace and security goes hand in hand with the United Nations Security Council Resolution 1325. Resolution 1325 is a landmark document that clearly recognizes the distinct impact of war and conflict on our men, women and children. In acknowledging how war affects men, women and children in different ways, resolution 1325 calls for women's full and equal participation in the peace processes and, of course, specific protection for the rights of women and girls.

The resolution is a commitment made by the United Nations and member states to take action on the issues of women, peace and security. Women's organizations and peace groups around the world are working to hold their governments accountable in the implementation of resolution 1325.

Honourable senators, this resolution has already made a difference in women's lives. It resonates on the ground with women who are surviving conflict and building peace. Madam Claudine Tayaye Bibi from the Democratic Republic of Congo, who was presented to the Senate last October, said to me that she does not feel peace when the guns stop. She feels peace when her voice can be heard, and that is what resolution 1325 does. It provides a voice for women who are otherwise silenced by war.

Ms. Bibi is from the Democratic Republic of Congo, a country devastated by war and the intervention of regional powers.

• (1340)

As an educator and activist, she recently co-organized a 10,000-strong march calling on the Congolese government to implement the Pretoria peace agreement and to include women in any implementation efforts.

It is through her work that resolution 1325 becomes a reality. By bringing women together next week in New York, not only can we benefit from the knowledge of outstanding women like Madame Tayaye-Bibi but the governments can also share their lessons learned in the implementation of resolution 1325.

I look forward to sharing the outcome of this incredible event, and I encourage honourable senators to contact me if they wish to have further information on the Commission on the Status of Women or the Canadian Committee on Women, Peace and Security.

[Translation]

QUEBEC

MONTREAL—RESTORATION OF ST. JAMES UNITED CHURCH

Hon. Marisa Ferretti Barth: Honourable senators, it is a pleasure to talk to you about St. James United Church. Built on St. Catherine Street West in the heart of Montreal in the 19th century and inspired by the great French Gothic cathedrals, it is considered one of Canada's finest treasures.

In 1926, however, the institution needed a great deal of capital to survive. Over a period of 10 to 15 years, commercial businesses, several stories high, were temporarily erected, completely obscuring the church's facade and its beauty. These temporary buildings remained for over 75 years. To our discredit, we totally forgot about part of our heritage: the magnificent facade of the church was hidden from view.

Today, nearly 75 years later, thanks to the work of provincial and municipal governments and the private sector, the church's facade will be uncovered and we will finally be able to look upon this majestic building.

This brings me great pleasure. I think that it will bring great pleasure to Canadians, Quebecers and tourists alike. I applaud all those who worked to restore St. James Church as a historical monument. Its ornate towers, its great rose window and its numerous gargoyles will be the pride of Montreal and a delight for tourists.

[Senator Jaffer]

[English]

ROUTINE PROCEEDINGS

REPRESENTATION ORDER 2003 BILL

REPORT OF COMMITTEE

Hon. George J. Furey, Chair of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, February 26, 2004

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

SECOND REPORT

Your Committee, to which was referred Bill C-5, respecting the effective date of the representation order of 2003, has, in obedience to the Order of Reference of Friday, February 20, 2004, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

GEORGE FUREY
Chair

The Hon. the Speaker pro tempore: When shall this bill be read the third time?

On motion of Senator Smith, bill placed on Orders of the Day for third reading at the next sitting of the Senate.

USER FEES BILL

REPORT OF COMMITTEE

Hon. Lowell Murray, Chair of the Standing Senate Committee on National Finance, presented the following report:

Thursday, February 26, 2004

The Standing Senate Committee on National Finance has the honour to present its

SECOND REPORT

Your Committee, to which was referred Bill C-212, respecting user fees, has, in obedience to the Order of Reference of Wednesday, February 11, 2004, examined the said Bill and now reports the same with the following amendments:

1. Page 1, clause 2:

(a) Replace lines 8 and 9 with the following:

““Committee” means, in respect of each House of Parliament, the appropriate standing committee of that House.”;

(b) Replace line 17 with the following:

““Minister” means the appropriate minister, as defined in section 2 of the *Financial Administration Act*, who is responsible for”;

(c) Replace lines 21 to 23 with the following:

“body mentioned in Schedule I, I.1 or II to the *Financial Administration Act* that has the power to fix a user fee under the authority of an Act of Parliament. Where the Act gives that power to the Governor in Council or a Minister, it means the body proposing the user fee.”; and

(d) Replace lines 25 to 28 with the following:

“product, regulatory process, authorization, permit or licence, facility, or for a service that is provided only by a regulating authority, that is fixed pursuant to the authority of an Act of Parliament and which results”.

2. Page 2, clause 3: Replace lines 1 to 9 with the following:

“3. (1) This Act applies to all user fees fixed by a regulating authority.

(2) This Act does not apply to a user fee fixed by one regulating authority and charged to another.”.

3. Pages 2 and 3, clause 4:

(a) Page 2:

(i) Replace lines 29 to 31 with the following:

“(e) establish an independent advisory panel to address a complaint submitted by a client regarding”, and

(ii) Replace lines 34 and 35 with the following:

“to those established by other countries with which a comparison is relevant and against which the”; and

(b) Page 3:

(i) Replace lines 2 and 3 with the following:

“Minister must cause to be tabled in each House of Parliament a proposal”;

(ii) Replace line 4 with the following:

“(a) explaining in respect of what service, product, regulatory process,”;

(iii) Replace lines 9 to 12 with the following:

“(c) including the performance standards established in accordance with paragraph (1)(f), as well as the actual performance levels that have been reached,”;

(iv) Replace line 17 with the following:

“the costs that the user fee will cover; and

(e) describing the establishment of an independent advisory panel in accordance with paragraph (1)(e) and describing how any complaints received under section 4.1 were dealt with.”; and

(v) Replace lines 20 and 21 with the following:

“higher than that existing in a country with which a comparison referred to in paragraph (1)(f) is relevant, the”.

(c) Page 3: Add after line 25 the following:

“4.1 (1) A regulating authority that receives a complaint about a proposed user fee within the period set out in a notice issued by that authority must

(a) try to resolve the complaint; and

(b) give the complainant notice in writing of proposed measures for its resolution.

(2) If the complaint is not resolved to the complainant's satisfaction within 30 days after the expiry of the period set out in the notice, the complainant may request in writing that the regulating authority refer the complaint to an independent advisory panel.

(3) Within 40 days after the expiry of the period set out in the notice, the regulating authority and the complainant must each select one member to sit on the panel and those members must select a third member.

(4) The regulating authority may decide, for reasons of economy and efficiency, that two or more complaints about a particular proposal be dealt with by the same panel. In that case, the panel member to be selected by the complainants is selected by a majority vote.

(5) The panel must, within 30 days after all members have been selected, send a report in writing of its findings and recommendations for resolving the dispute to the regulating authority and the complainant.

(6) Subject to subsection (7), the panel has the power to award costs of the proceedings, including the cost of the fees and expenses of panel members.

(7) If, in the opinion of the panel, a complaint is frivolous or vexatious, the complainant bears all the costs.

(8) Costs payable by the complainant become a debt due to Her Majesty and may be recovered as such in any court of competent jurisdiction.”.

4. Page 3, clause 5:

(a) Replace lines 27 to 29 with the following:

“for a user fee referred to it”; and

(b) Replace line 31 with the following:

“Senate or the House of Commons, as the case may be, a report containing its”.

5. Pages 3 and 4, clause 5.1:

(a) Page 3: Replace lines 34 to 38 with the following:

“5.1 Where a regulating authority’s performance in a particular fiscal year in respect of a user fee does not meet the standards established by it for that fiscal year by a percentage greater than ten per cent, the user fee shall be reduced by a percentage equivalent to the unachieved performance, to a maximum of fifty per cent of the user fee. The reduced user fee applies from the day on which the annual report for the fiscal year is tabled under subsection 8(1) until the day on which the next annual report is tabled.”; and

(b) Page 4: Delete lines 1 and 2.

6. Page 4, clause 6:

(a) Replace line 3 with the following:

“6. (1) The Senate or the House of Commons may pass a”; and

(b) Replace lines 7 to 12 with the following:

“(2) If, within twenty sitting days after the tabling of a proposal under subsection 4(2), the Committee fails to submit a report containing its recommendation to the Senate or the House of Commons, as the case may be, the Committee is deemed to have submitted a report recommending that the proposed user fee be approved.”.

7. Page 4, clause 7: Delete clause 7 and renumber the subsequent clauses accordingly.

8. Page 4, clause 8:

(a) Replace lines 21 and 22 with the following:

“before each House of Parliament, on or before December 31”.

(b) Add after line 27 the following:

“8.1 A review of the provisions and operation of this Act shall be completed by the President of the Treasury Board during the third year after this Act is assented to. The Minister shall cause a report of the results of the review to be laid before each House of Parliament on any of the first fifteen days on which that House is sitting after the report is completed.”.

9. Pages 4 and 5, clause 9: Delete clause 9 and renumber the subsequent clauses accordingly.

10. Page 5, clause 10: Delete clause 10 and renumber the subsequent clauses accordingly.

Respectfully submitted,

LOWELL MURRAY
Chair

The Hon. the Speaker *pro tempore*: When shall this report be taken into consideration?

On motion of Senator Murray, bill placed on Orders of the Day for consideration at the next sitting of the Senate.

BUSINESS OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(i), I move:

That Order No. 1 under Government Business, Bills, to resume debate on the motion for the second reading of Bill C-4, not be called before 5:30 p.m. today; and

That if the business of the Senate has been completed before that time, the Speaker shall suspend the sitting to the call of the Chair.

The Hon. the Speaker *pro tempore*: Is leave granted?

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

CANADIAN NATO PARLIAMENTARY ASSOCIATION

ANNUAL SESSION, NOVEMBER 7-11, 2003—
REPORT TABLED

Hon. Jane Cordy: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation of the Canadian NATO Parliamentary Association to the Annual Session of the NATO Parliamentary Assembly held in Orlando, Florida, November 7 to 11, 2003.

• (1350)

UNITED STATES MISSILE DEFENCE SYSTEM

NOTICE OF MOTION RECOMMENDING
NON-PARTICIPATION

Hon. Douglas Roche: Honourable senators, Senator Austin will like this. I give notice that, at the next sitting of the Senate, I will move:

That the Senate of Canada recommend that the Government of Canada not participate in the U.S.-sponsored Ballistic Missile Defence (BMD) system because:

1. It will undermine Canada's long-standing policy on the non-weaponization of space by giving implicit, if not explicit, support to U.S. policies to develop and deploy weapons in space;
2. It will destabilize the strategic environment and impede implementation of Article VI of the Nuclear Non-proliferation Treaty;
3. It will not contribute to the security of Canadians, and Canadian non-participation will not diminish the importance of Canada-U.S. defence cooperation under NORAD in addressing genuine threats to Canadian security.

[Translation]

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Maria Chaput: Honourable senators, with the leave of the Senate and notwithstanding rule 58.(1)(i) I will move:

That the Standing Senate Committee on Official Languages be empowered, in accordance with rule 95(3), to sit at 5:30 p.m. on Monday, March 1, 2004, even though the Senate may then be adjourned for a period exceeding one week.

[English]

BILINGUAL STATUS OF CITY OF OTTAWA—
PRESENTATION OF PETITION

Hon. Jim Munson: Honourable senators, pursuant to rule 4(h), I have the honour to table petitions signed by another 50 people asking that Ottawa, the capital of Canada, be declared a bilingual city and the reflection of the country's linguistic duality.

The petitioners pray and request that Parliament consider the following:

That the Canadian Constitution provides that English and French are the two official languages of our country and have equality of status and equal rights and privileges as to their use in all institutions of the government of Canada;

That section 16 of the *Constitution Act, 1867* designates the city of Ottawa as the seat of government of Canada;

[Translation]

That citizens have the right in the national capital to have access to the services provided by all institutions of the government of Canada in the official language of their choice, namely French or English;

[English]

That Ottawa, the capital of Canada, has a duty to reflect the linguistic duality at the heart of our collective identity and characteristic of the very nature of our country.

Therefore, your petitioners ask Parliament to confirm in the Constitution of Canada that Ottawa, the capital of Canada, is officially bilingual, pursuant to section 16 of the *Constitution Act*, from 1867 to 1982.

[Translation]

Hon. Pierre De Bané: Honourable senators, pursuant to rule 4(h), I have the honour to table in this chamber petitions signed by 95 people asking that Ottawa, the capital of Canada, be declared a bilingual city and the reflection of the country's linguistic duality.

The petitioners pray and request that Parliament consider the following:

That the Canadian Constitution provides that English and French are the two official languages of our country and have equality of status and equal rights and privileges as to their use in all institutions of the Government of Canada;

That section 16 of the *Constitution Act, 1867* designates the city of Ottawa as the seat of government of Canada;

[English]

That citizens have the right in the national capital to have access to the services provided by all institutions of the government of Canada in the official language of their choice, namely English or French;

That Ottawa, the capital of Canada, has a duty to reflect the linguistic duality at the heart of our collective identity and characteristic of the very nature of our country.

Therefore, your petitioners ask Parliament to confirm in the Constitution of Canada that Ottawa, the capital of Canada, is officially bilingual, pursuant to section 16 of the *Constitution Act*, from 1867 to 1982.

QUESTION PERIOD

FOREIGN AFFAIRS

HAITI—RESPONSE TO CIVIL UNREST

Hon. Consiglio Di Nino: Honourable senators, earlier this week, Canada sent a military reconnaissance unit to Haiti to assess the security situation in that country and the potential for an intervening force. The worry among experts and diplomats is that things could quickly spiral out of control, with rebels in the north who now control that part of Haiti poised to attack Port-au-Prince in the next few days. Mass and widespread bloodshed is a very likely scenario.

The foreign minister has said that he is monitoring the situation on a daily basis, along with U.S. Secretary of State Colin Powell. Mr. Graham also said that he is not convinced sending in police or military forces would produce a long-term solution, and I understand he is waiting for some word from Port-au-Prince. What does the government expect to hear from our people on the ground that we do not already know, or is this just another stalling tactic?

Hon. Jack Austin (Leader of the Government): Honourable senators, I hope everyone in this chamber will take the situation in Haiti with the utmost seriousness. We see in that very unfortunate country a breakdown in civil order, militant units attacking people and destroying lives. We see a situation in which Canadians who have been working in Haiti either in an official capacity as, for example, in the embassy or with NGOs are now under threat of their personal safety. The Minister for Foreign Affairs, the Honourable Bill Graham, has asked all Canadians who do not have an absolutely essential role to play in Haiti to leave the country for their own safety.

With respect to the actions of the international community, I know that the Honourable Senator Di Nino is aware of the CARICOM, an organization of Caribbean countries along with some others in the Western Hemisphere. It has been pressing the international community to assist in a negotiated settlement among the contending parties.

It is with great regret that the facts on the ground seem to be that the militants have rejected any stand-still arrangement with the Aristide government, or a stand-still arrangement of any kind, and have said that they will only be content when the Aristide government has been removed and President Aristide is gone from the country.

The situation is quite complex. The United States and France are playing a leading role in assessing the situation. Canada, as well, is working with those two countries and others, and there is a desire on the part of the international community for a coordinated response.

The Security Council has also undertaken to review the situation, so at the moment we have a highly fluid situation in Haiti. We are hopeful a resolution that protects human life can be found.

Senator Di Nino: I have a lot of sympathy for what Senator Austin is saying. However, we have seen massacres take place over and over again in various countries while the rest of the world talks. Talk is cheap.

• (1400)

I shall bring honourable senators up to date on something they may not know. Last September, the current Prime Minister's good friend and predecessor, Jean Chrétien made his final speech as Prime Minister before the UN General Assembly. In that speech he said the following:

Too often, conflicts are allowed to ignite, even when the whole world can see what the dreadful consequences will be. Too often innocent civilians are left to their fate.

Those are direct quotations from Jean Chrétien, then Prime Minister of Canada. He argued that, when a government cannot protect its people, protection becomes an international responsibility. Basically, he called for humanitarian intervention to prevent large-scale loss of life.

This is one of those times that I agree with Jean Chrétien, even though everyone in this place has heard me criticize him. He was absolutely right on this one.

It seems to me that Haiti bears all the earmarks of the type of situation Mr. Chrétien was talking about. Yet, the only thing the government has done thus far is to send a nine-member reconnaissance unit of our Armed Forces to Haiti, to evacuate our people. In other words, we are cutting and running.

My question for the Leader of the Government in the Senate is this: In this urgent humanitarian situation in Haiti, will the government live up to the principles stated by the former Prime Minister, or does the government intend, once again, to become a follower instead of a leader, as has too often been the case in the last few years?

Senator Austin: Honourable senators, first, I want to say how delighted I am that Senator Di Nino recognizes that former Prime Minister Jean Chrétien, in speaking to the United Nations, laid down one of the finest series of Canadian values in the international theatre.

My questions are as follows: How are these values to be applied? Is Canada to be a "Lone Ranger" and put its forces into Haiti without the consent of the Government of Haiti and without any role to be played by other countries? Is Canada a member of a group of nations trying to make a collective decision? The United Nations debate tried to take a collective decision. Is Senator Di Nino saying that we should act unilaterally and put Canadians at the highest level of risk, given the circumstances?

These are not easy questions to answer, honourable senators. I do not expect Senator Di Nino to advocate unilateral action on the part of Canada.

We are working very hard in the international community, urging international players, who have a responsibility in the issue of Haiti, to come to a quick conclusion. We are prepared to be a part of the solution that the international community decides is the correct solution.

Senator Di Nino: Honourable senators, I am more than happy to recognize and applaud actions that are worthy of recognition and applause at any time, regardless of who made them and regardless of their politics.

However, as honourable senators know, this is a serious issue. We are now seeing dead bodies on the streets of Haiti. If this insurgence continues, and the people of Haiti are left to their own resources, we will see a slaughter about which all of us will be embarrassed.

Yes, I am saying that Canada should take a leadership role and say to the world, "Who will join us to do this? We cannot allow this to happen." That is what I am saying. That is what I think should happen.

CITIZENSHIP AND IMMIGRATION

DEPORTATION OF SONG DAE RI

Hon. A. Raynell Andreychuk: Honourable senators, as a postscript to the previous question, some day we may have to answer why we intervened for humanitarian purposes in Kosovo while the people of Haiti did not deserve the same attention. The people of the world must be treated equally. I would urge Canada to take a leadership role in attempting to find some unique and lasting solutions in Haiti. We have intervened in the past, but the duration of our intervention was too short — which, consequently, is part of the problem.

I wish once again to ask the Leader of the Government in the Senate about the case of Mr. Ri.

Last Friday, a senior Citizenship and Immigration official upheld an earlier decision by the Immigration and Refugee Board to deport Mr. Song Dae Ri to North Korea, despite the real threat that he may be executed upon his return.

Mr. Ri's lawyer has said that two reports on the case were prepared for Public Safety and Emergency Preparedness Canada Minister Anne McLellan. A 16-page pre-removal risk assessment found that Mr. Ri would be put in danger if he were sent back to North Korea.

However, a second report consisting of two pages recommended upholding the original ruling to deny refugee status to Mr. Ri while allowing his young son to stay in Canada.

Why were the findings of a pre-removal risk assessment seemingly ignored in this instance? Will Minister McLellan issue immediately a ministerial exemption for Mr. Ri?

Hon. Jack Austin (Leader of the Government): Honourable senators, first, I wish to deal with Senator Andreychuk's comment with respect to Canadian actions in Kosovo. I know the honourable senator well understands that with respect to Kosovo, Canada was part of an action by the international community.

With respect to the situation in Haiti, it would be very noble for us to act on our own, but it would not necessarily be effective. To act alone would place us in a very difficult situation, if the international community itself were not assuming part of the responsibility.

With respect to Mr. Ri, Senator Andreychuk also knows that the consideration of the issue has two tracks. The first track is the adjudication by the Immigration Appeal Board and by the risk assessment officers based on criteria that are well established. That process appears, to me at least, to have come to an end, so that track two now takes over. Track two is the humanitarian-consideration track. It is my information that that is an active and ongoing file. Mr. Ri certainly will not be removed from Canada until there is a determination by the minister with respect to the humanitarian issues.

Senator Andreychuk: Honourable senators, to keep two dialogues going, it was never the intention that Canada act alone. However, honourable senators, Canada has always taken a leadership role. Canada developed the peacekeeping models. We developed Article 2 of the North Atlantic Treaty. I am simply saying that Canada should exercise leadership in the world community, and not alone.

With respect to Mr. Ri, I understand that Mr. Ri cannot appeal the ruling against him on the risk assessment as the government has still not implemented a refugee appeals division at the Immigration and Refugee Board. The federal government has claimed that a high number of refugee claims in recent years has forced it to delay creating an appeals process. The caseload problems are well documented but cannot be used to justify denying people a means of recourse when their very lives are hanging in the balance, as is Mr. Ri's.

When does the federal government anticipate that the Immigration and Refugee Board will have an appeals division for people like Mr. Ri?

Senator Austin: Honourable senators, I shall take the representations of Senator Andreychuk to the Deputy Prime Minister.

VETERANS AFFAIRS

COMPENSATION FOR VETERANS EXPOSED
TO CHEMICAL AGENT TESTING

Hon. Michael A. Meighen: Honourable senators, late last week, the government announced that it would compensate veterans who had been subjected to chemical agent testing, which took place mostly during the Second World War. I think we would all agree that it is about time.

Even the Minister of National Defence recognized this, when, in his announcement, he stated, "We are finally setting things right for the chemical test veterans."

Of course, contrary to government claims, the amount settled upon, \$50 million, is stingy, to say the least. It is far less than the money the government has wasted in the sponsorship scandal, and it is less than half of what the veterans' own lawyers have been seeking.

How did the government settle on the figure of some \$24,000 per veteran? Is that amount taxable in their hands?

• (1410)

Hon. Jack Austin (Leader of the Government): Honourable senators, I will have to make inquiries with respect to the specific question that Senator Meighen has put to me.

Senator Meighen: I will look forward to a response. At the same time, perhaps the Leader of the Government in the Senate could seek clarification as to why, according to reports, only 2,000 of some 3,500 veterans who participated in the testing are eligible for compensation. I hope this is not the case of the government once again distinguishing between two classes of veterans — those who are eligible for benefits and those who are not — based on some arbitrary reason. This reminds us of the situation that occurred with the Veterans Independence Program benefits.

Senator Austin: Honourable senators, I will be happy to add that question to my inquiry.

AGRICULTURE AND AGRI-FOOD

BOVINE SPONGIFORM ENCEPHALOPATHY—
DECISION NOT TO BAN BLOOD IN FEED

Hon. Mira Spivak: Honourable senators, in late January, the U.S. Food and Drug Administration added new firewalls to prevent the spread of BSE, the mad cow disease. Among them was a complete ban on feeding blood and blood products to cattle. The FDA said this science-based safeguard was based on recent evidence that blood can carry BSE.

Part of that evidence, according to *The New York Times*, was a new case of the human form of the disease that came to light in December of 2003. Britain's Secretary of State for Health, John Reid, told his Parliament that a British citizen was the first probable blood transfusion victim of the disease, suggesting that blood can be a carrier.

In Canada, the Minister of Agriculture said he wanted to consult with the animal feed industry; then, his spokesman said that Canada does not plan to ban the feeding of cow blood to calves.

What consultations took place with the United States FDA officials and U.K. officials before our government decided to continue this ill-advised practice? What science supports our policy of which governments in the U.S. and the U.K. are unaware?

Hon. Jack Austin (Leader of the Government): Honourable senators, I will have to take Senator Spivak's question as notice.

Senator Spivak: As a further comment, I am sorry that I did not give the Leader of the Government in the Senate notice. I understand that he cannot answer at this time.

In October 2001, Canadian Blood Services, as part of its policy on the human form of mad cow disease, declared that people who had spent three months in the U.K. since 1980 were not eligible to donate blood in Canada, as everyone knows. If this precautionary measure is sound, then we should not continue to allow cattle to receive potentially tainted blood. We are spending \$92 million to test animals and millions more in compensation to farmers because we did not take the precautions in the feed industry that other nations took years ago. That is well documented, not only with the British delegation's visit here but also with questions that I and others have raised in the Senate for a number of years.

I would hope that the government is not just listening to the rendering plants and that it will review this policy.

Senator Austin: Honourable senators, these questions are interesting and important. I have not prepared myself for the answers, but I am interested in what would be provided to me by way of answer. I hope to respond to Senator Spivak quickly.

QUALITIES OF SASKATCHEWAN BARLEY

Hon. John G. Bryden: Honourable senators, I have a question for the Chair of the Standing Senate Committee on Agriculture and Forestry.

Hon. Terry Stratton: He is not here. The Chair is Senator Oliver.

Senator Bryden: I apologize. I thought it was Senator Gustafson.

I will state my question. Is it true that Saskatchewan barley really is an aphrodisiac?

Senator Stratton: We all know, or most of us, that he cannot answer.

Senator Forrestall: I would have thought he is living proof.

NATIONAL DEFENCE

POSSIBLE TRANSFER OF HEADQUARTERS AND LAND
EXPROPRIATION FOR JTF2 TRAINING GROUNDS

Hon. J. Michael Forrestall: Honourable senators, I have a question for the Leader of the Government. He will be pleased to hear that I have found the resolution to the Sea King problem. We have one trying to get out West. Perhaps we could send out one every other day from Shearwater. We can get rid of them all and then offer them to the nearest museum.

I want to come back to the apparent decision to transfer National Defence Headquarters from its current site here in the heart of Ottawa to Nepean. It has been reported in the press that the Minister of National Defence has absented himself from the decisions — indeed, most of the debate — regarding the dispute between JTF2 and his constituents over farmland expropriation; yet, when it comes to moving National Defence Headquarters, we find his fingerprints all over the file.

Can the minister tell us why there is some discrepancy between these two files, and is he prepared to indicate to the chamber that there is no apparent conflict?

Hon. Jack Austin (Leader of the Government): Honourable senators, I thank Senator Forrestall for raising this topic toward the end of his question yesterday so that I would have the opportunity this morning to speak to the Minister of National Defence with respect to the possible removal of DND headquarters to, I believe, the empty JDS Uniphase offices in Nepean.

Minister Pratt told me that he has recused himself from that decision, that he will not participate, in any way, in any decision to move the headquarters into his riding, and that he has asked Minister Albina Guarnieri to act in his stead with respect to this decision.

Senator Forrestall: Do you suppose we will all get an invitation to that wedding?

Yesterday, the cost of the purchase of the JDS Uniphase office, excluding the costs of the move itself, was estimated at between \$100 million and \$125 million. The air force is short \$150 million. That money would keep open five bases across Canada. Can the minister tell the chamber why those funds could not have been used to keep open those five bases across Canada that we now know are threatened — Goose Bay, Bagotville, North Bay, Winnipeg and, in all likelihood, Trenton, not to mention CFB Gagetown — and other sites we do not yet know about, instead of using them for a building someone built and cannot seem to fill?

Senator Austin: Honourable senators, no decision has been taken with respect to the removal of DND Headquarters from the Rideau Shopping Centre here in Ottawa. I was told by one of the minister's officials that it is the only National Defence Headquarters that anyone is aware of that is attached to a shopping centre.

Senator Forrestall is quite aware of the security vulnerabilities of that particular location, but in the trade-off among the use of very limited funds, no decision has been taken. I am sure it will be taken on the wisest possible circumstances.

I want to assure Senator Forrestall, who throughout his political career has taken an enormous interest in the state and nature of our military capability, that this government is cognizant of the current circumstances with respect to the military. I am, dare I say it, of the view that the budget of the Minister of Finance will begin to take steps in a more aggressive direction with respect to the capabilities of our Canadian military.

Senator Forrestall: I appreciate that response.

• (1420)

BUSINESS DEVELOPMENT BANK

AUDITOR GENERAL'S REPORT—SPONSORSHIP
PROGRAM—POLITICAL INTERFERENCE IN LOANS—
FORENSIC AUDIT

Hon. Marjory LeBreton: Honourable senators, Michel Vennat, President of the Business Development Bank, was suspended, partly for his role in the sponsorship fiasco but mainly for his role in the vendetta against former BDC President François Beaudoin. The Shawinigate affair has brought startling evidence to light about political interference in the operations of BDC with questionable loans advanced to the Auberge Grand-Mère and others. As well, Mr. Vennat and the former Prime Minister's friend, Jean Carle, also played a role. The inquiry is looking at BDC's role in the sponsorship fiasco but not at the bank's lending practices.

Can the Leader of the government assure the Senate that Michel Vennat and Jean Carle limited their political interference just to the Shawinigate file and that no other questionable loans were made or carried out under the instructions of the former Prime Minister?

Hon. Jack Austin (Leader of the Government): Honourable senators, of course I cannot give assurances with respect to the specific question raised by Senator LeBreton. There are inquiries underway, as the honourable senator well knows. If the questions are germane to those inquiries — that is, if they go in those directions because they are relevant — then we will have the answers in due course.

Senator LeBreton: Honourable senators, could the Leader of the Government in the Senate then find out for us whether the Beaudoin judgment has precipitated a forensic audit into the management and lending practices of the Business Development Bank and those who ran it?

Senator Austin: Honourable senators, I have no information at this time, but I will seek it.

CONFIDENCE IN CHAIRMAN
AND CHIEF EXECUTIVE OFFICER

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, on the question of banks, Senator Comeau yesterday asked if the government was to keep the board of directors of the bank in place because they had voted confidence in the chairman and chief executive officer now suspended by the government. As I recall it, the Leader of the Government said he was not aware of that statement. There was a statement made by the BDC in a press release indicating that it would not appeal the judgment against it. The board of directors stated publicly through this official press release that it had full confidence in Mr. Vennat, yet the government has now indicated that it does not have confidence in him. There is a conflict between the government and the board of directors, and I would assume that the board of directors also does not have the confidence of the government.

Hon. Jack Austin (Leader of the Government): Honourable senators, Senator Lynch-Staunton is right and quoted me correctly. I was not aware, when I answered Senator Comeau's question, that the board of directors of the Business Development Bank had passed a resolution expressing their confidence in Mr. Vennat. I have not seen the terms of that resolution, so I do not know whether it is a resolution in general or whether conditions are attached to it. I have asked to see the resolution so that I am fully informed.

With respect to whether the government has confidence in the board of directors, I have no information to provide the Senate at this time.

AGRICULTURE AND AGRI-FOOD

INCOME STABILIZATION PROGRAM—
SUPPORT OF PROVINCES

Hon. Leonard J. Gustafson: Honourable senators, the Canadian Agricultural Income Stabilization Program was announced in December and is the key element of Ottawa's agricultural policy framework. To come into force, this program requires the support of two thirds of the provinces representing half of Canada's agricultural production. Could the Leader of the Government in the Senate provide an update on how many provinces have joined? My understanding is that only Alberta, Ontario and Prince Edward Island have joined. Are there more?

Hon. Jack Austin (Leader of the Government): Honourable senators, I do not have an answer to that question at this time, but I will seek it.

Senator Gustafson: Honourable senators, we keep mentioning that one of the problems that some provinces have is that the federal contribution to this program is insufficient. For instance, according to Saskatchewan's Minister of Agriculture, the BSE crisis would use up all of the money that is projected to be in the program.

Given recent reports that the federal surplus will be much greater than it was previously projected to be, why is the government not moving some of this excess money into agriculture?

Senator Austin: Honourable senators, I cannot speculate with Senator Gustafson about the government surplus. It is a highly dynamic number that depends on a number of factors with respect to government revenues and the claims on government revenues. Those are moving targets. However, I can, I hope, assure Senator Gustafson that the government is giving serious and immediate consideration to the situation in the cattle industry and recognizes that funds provided by the federal government to the provinces to this time will not, unfortunately, stabilize it. My hope is that further measures will be taken in the near future.

PUBLIC WORKS AND GOVERNMENT SERVICES

AUDITOR GENERAL'S REPORT—
SPONSORSHIP PROGRAM—
ACCESS TO TALKING POINTS IN RESPONSE

Hon. Terry Stratton: Honourable senators, today's *Toronto Star* reports an access to information document that confirms that Public Works officials were worried about the mismanagement of millions of taxpayers' dollars in the sponsorship program as early as October 2000. Public Works officials were so concerned that talking points were developed at the time. These talking points denied systemic problems, political interference and criminal wrongdoing. The Prime Minister has recently said that there had to be political direction, and we know now that several files have been sent to the RCMP for investigation. Can the Leader of the Government tell us who asked for these talking points to be prepared, who approved them and to whom were they distributed? Did the cabinet, including Mr. Martin, get copies?

Hon. Jack Austin (Leader of the Government): Honourable senators, I think it is obvious to all senators that I would not have answers to those questions. The government has put in place several inquiries, such as the judicial inquiry, the public accounts inquiry and the RCMP inquiry. No doubt the answers to those questions will be relevant to one or all of those inquiries and will be made public in the due course of those inquiries.

[Translation]

OFFICIAL LANGUAGES

COMMITTEE AUTHORIZED
TO MEET DURING ADJOURNMENT OF THE SENATE

Leave having been given to revert to Notices of Motions:

Hon. Maria Chaput: Honourable senators, with the leave of the Senate and notwithstanding rule 58.1(i), I move, seconded by the Honourable Senator Gauthier:

That the Standing Senate Committee on Official Languages be empowered, in accordance with rule 95(3), to sit at 5:30 p.m. on Monday, March 1, 2004, even though the Senate may then be adjourned for a period exceeding one week.

[English]

The Hon. the Speaker: Is leave granted, honourable senators, to move the motion?

Some Hon. Senators: Agreed.

The Hon. the Speaker: Leave is granted.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I should hope that the members of the opposition on the committee had been consulted and are in agreement. Otherwise, we may have a problem.

• (1430)

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, my understanding is —

Senator Lynch-Staunton: Let the chairman answer, please. It is the chairman's motion, not yours.

Senator Rompkey: Very well.

[Translation]

Senator Chaput: I consulted the Honourable Senator Beaudoin and he will be present. I also spoke to the Honourable Senator Keon, who had already said he would be present.

Senator Lynch-Staunton: Honourable senator, you have been very courteous to all your colleagues. I hope all committee chairs will follow this example.

Motion agreed to.

[English]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I call government bills in the following order: First, Bill C-20; second, Bill C-7, and third, Bill C-17.

[Translation]

PUBLIC SAFETY BILL 2002

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Day, seconded by the Honourable Senator Christensen, for the second reading of Bill C-7, to amend certain Acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety.

Hon. Gérard-A. Beaudoin: Honourable senators, I would like to say a few words at seconding reading of Bill C-7.

Senator Andreychuk delivered a very good speech on the scope of Bill C-7. A number of senators have addressed this legislation, including Senators Joyal, Kinsella and Grafstein.

After reading the speeches made, I think this bill should immediately be referred to the Standing Senate Committee on Legal and Constitutional Affairs.

During our in-depth study of Bill C-36 — the anti-terrorist legislation — we thoroughly examined all the legal issues raised by this bill, and also the constitutional issues. To a large extent, Bill C-7 can be compared to Bill C-36.

We should conduct a thorough review, in committee, of the bill that is before us to ensure that it fully respects our constitutional law, particularly the 1982 Canadian Charter of Rights and Freedoms. This is of the utmost importance. It is difficult to strike a balance between public safety and the individual rights listed in the charter.

As I wrote in an article published on pages 73 to 105 of the 2003 *Revue du Barreau*, we must strike that balance. We must guarantee public safety, while also safeguarding individual rights.

Of course, we must ensure the safety of our citizens and grant additional powers to law enforcement agencies. However, we should never forget the charter and the privacy and human rights provisions that we enshrined in the Constitution, in 1982.

Despite all the time we devoted to examining Bill C-36, it may well be that, as the bill provides, we will have to review this. We have written in a clause requiring us to do just that, and this is very important, because it is the first time we have enacted such legislation. In our history, we have had urgent situations such as the First and Second World Wars, but we have never had a catastrophe like that of September 11, 2001. We must adapt to a new system and we must legislate well.

We are giving a great deal of power to the ministers, but not enough according to the case law, which tells us to go before the courts. I am thinking, for example, of search warrants; I am thinking of privacy. According to well-established case law, we are required to apply to the court for search warrants before we take action.

Another very important matter that should be examined is that of interim orders, such as those provided in clause 34 of Bill C-7 and in other clauses in which ministers are allowed to grant exemptions. The courts have ruled, however — as in *Parker* — that exemptions must be limited. Limitations must be placed on the absolute discretion of ministers. These limitations must be clear, specific and set out in law; otherwise, they will be unconstitutional. I believe that in the committee, it will be necessary to examine all these issues, whether they relate to policy, criminal law or constitutional law.

Powers can be given to ministers, but in some cases, we must turn to the courts.

It is not up to me to move referral to committee, but if I might make one suggestion, I would like Bill C-7 to be referred to the Standing Committee on Legal and Constitutional Affairs because, in the end, Bill C-7 has to do with constitutional law.

[English]

Hon. Mobina S. B. Jaffer: Honourable senators, I rise today to speak at second reading of Bill C-7, the Public Safety Act, 2002.

Honourable senators, with our appointment comes the responsibility to protect the rights and civil liberties of Canadians. This holds especially true for the rights of those Canadians who are members of minority groups.

The tragic events of September 11 provoked immediate reactions. Our national security needed to be protected, and we needed to safeguard the security of our country and our citizens. We responded. Bill C-36, the Anti-terrorism Act, was implemented. Since that time, we have had some time to reflect. As Senator Day has said, Bill C-36, Bill C-44 and this bill are all pieces of legislation to protect our rights.

• (1440)

Honourable senators, I must say that I have seen the results of Bill C-36 firsthand. For the last three months, I have been travelling across the country to hold racial profiling round tables with community groups in many cities. The stories that I have heard have kept me awake at night because they are not about the Canada that I know. Frequent visits by CSIS, constant stopping at the border by Canadian officials, being detained by airport authorities, questions about religious affiliation and country of origin are events that have become all too familiar for many of our citizens.

Honourable senators, at the Ottawa International Airport, not many months ago, my husband was stopped. When I questioned why he was stopped, I was told that he looks like a terrorist. I have met with people who have lived in Canada for more than 30 years who have told me that since September 11, they have been visited by CSIS constantly for no reason. They have been warned that if they go to SIRC their papers will be cancelled.

Honourable senators, I was at a university in Alberta and a senior professor there told me that he has constant visits from CSIS. Before September 11, he never identified himself as a Muslim. Today, he feels he has to again become a Muslim just to have protection from a group. This is not the Canada that I know.

Being detained and questioned for hours for no reason was a humiliating experience, and these people were made to feel less Canadian. Many people told me that before September 11, Canada and being a Canadian citizen was the only thing they knew. They were proud Canadians. Now, they are second-class Canadians. Now, they feel that the treatment they have received has made them feel less Canadian and as if they do not have a right to belong here. Honourable senators, if you walk in the shoes of people who look like me, the impacts of Bill C-36 have been chilling.

[Senator Beaudoin]

I agree, and I approve, that we have to protect our national security but we also have to protect our citizens. There are indeed clauses of Bill C-7 that seem necessary and are clearly linked to the goal of preventing terrorism. Amendments to the Explosives Act to provide better control of the acquisition, possession and handling of explosives are good examples of this kind of change. A new Criminal Code provision making it an offence to create a hoax regarding terrorist activity also seems more than reasonable.

The implementation of the United Nations' Biological and Toxic Weapons Convention is something that I think most of us can support. The changes to the Quarantine Act may be another example of a necessary change. Our government must be prepared, and must have the necessary authority, to act immediately and efficiently. If terrorists are able to find ways to release the Ebola virus into the air, our government must be able to respond within seconds. Bill C-7 provides for this, as it most definitely should. The bill must, however, contain sufficient protections to ensure that such powers, however necessary, are not abused.

Amendments to the Explosives Act will provide better control over the acquisition, possession and handling of explosives and will improve the offences related to the illicit trafficking of explosives. These amendments seem clear-cut. However, while many provisions within the act are necessary, certain provisions have the potential to infringe on the civil liberties and freedoms that are so integral to the fabric of our country. Proposed section 4.82 of the bill allows for the sharing of data and information relating to all passengers flying into Canada. The former Privacy Commissioner expressed that provisions in 4.82 of the bill may go far beyond the needs of national security.

Parts 5 and 11 of the bill specifically deal with information and the expansion of the Minister of Immigration's powers to enter into agreements with foreign countries. In Part 5 of the bill, the Citizenship and Immigration Act would be amended to give the minister explicit authority to enter into agreements with the provinces and foreign nations with approval from the Governor in Council. However, it is worrying because it also allows less formal arrangements to be made with provinces and foreign states that require no Governor-in-Council approval.

In Part 11, the Immigration and Refugee Protection Act would be amended to give the Minister of Citizenship and Immigration the authority to make regulations that set out how information is collected and disclosed. This part notes that disclosure of information collected may be shared under an agreement or arrangement with a foreign country for not only reasons of national security and defence of Canada but also for the conduct of international affairs. Our committee must examine whether there is a lack of accountability and transparency in these provisions. The case of Maher Arar brings all of this together, and illustrates the many dangers associated with this kind of system. We must wait to see the results of the public inquiry on the Arar case before moving forward on these provisions that I have set out.

We do not know what happened and what went wrong. Before we enact legislation that could increase the possibility of a sequence of events such as the experiences of Mr. Arar, we must have a thorough, exhaustive review. We must take the necessary time to ensure that the privacy rights and fundamental liberties of all Canadians are balanced against our national security as a nation. The events of September 11 have demonstrated that individuals who are likely to commit terrorist acts are not necessarily known beforehand. My husband is not a terrorist, but a security person in Ottawa can say that he looks like one and that is good enough reason to question him.

Honourable senators, I say again, if these measures would be useful in finding terrorists, I have no objection. However, when these powers are expanded to allow police, CSIS and other officials to tap into information for other purposes and to share it with foreign governments, then we may be heading down a very dangerous path. Once we allow this expansion of powers, the argument could be made: Why not the same for renting a car, or boarding a bus or a train? How far will we go in cooperating with some foreign governments?

Honourable senators, September 11 was a terrible tragedy. It changed our country and the world, as we knew them. We needed to respond. I do not dispute that. We needed to ensure that our government had the powers it needed in the wake of another attack. I do not dispute that. We needed to ensure that the national security of our citizens was looked after. I do not dispute that. It was our duty and we responded. However, honourable senators, we must not forget in this chamber that we have a duty to ensure the civil liberties and freedoms of all our citizens, and that all our citizens are protected. That is fundamental to our Canadian system and to our security as a nation.

The Anti-terrorism Act is due for review at the end of this year. The Arar inquiry is underway.

• (1450)

Both these events provide our government with a unique opportunity to undertake a critical and public review of the anti-terrorism agenda. We have an opportunity to ensure that Canada's response to terrorism is equal to the apparent risks. It provides us with an opportunity to assess how we have balanced national security against civil liberties.

Before we justify every clause of Bill C-7, I would urge honourable senators to examine some of them at the conclusion of the Arar inquiry.

Honourable senators, when I was young, my grandmother was a very wise woman. She was a storyteller. She often used to say to me, "Have you tried to protect rights today?" I was little. My family had everything it wanted. I had all the rights and resources a person could want. I did not need to protect anybody's rights, but my grandmother always used to inquire of me: "Did you stand up for your girlfriend when she was being bullied? Did you stand up for people's rights that were being taken away?" She instilled in me her wisdom, how important it is to protect rights of people.

Suddenly, in 1972, all my rights were taken away, and I was made stateless. Canadians and the Canadian government restored my rights. They gave me a state, home, clothing and confidence. Canadians and the Canadian government gave my family and myself the right to live in full harmony with my fellow Canadians.

Today, I urge honourable senators not to take away the rights of people who look like me. Thank you, honourable senators.

Hon. Senators: Hear, hear!

On motion of Senator Kinsella, for Senator Oliver, debate adjourned.

[Translation]

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Trenholme Counsell, seconded by the Honourable Senator Massicotte, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the Third Session of the Thirty-seventh Parliament. (12th day of resuming debate)

Hon. Gérald-A. Beaudoin: The Speech from the Throne highlights those areas in which the federal government wants to take action. These areas are primarily education, health, welfare and municipalities. I should start out by saying that I am not opposed to the federal government using its spending powers in areas of provincial or primarily provincial jurisdiction as long as it does not legislate in such areas, as the Privy Council stated in its 1937 decision.

In the fifteen minutes I have at my disposal, I want to address something that was a guiding principle for me; I am talking about respect for the Canadian Constitution, particularly for the division of powers between the federal Parliament and the ten provinces.

The division of powers is fundamental, in my opinion. The Supreme Court of Canada, in 1982, declared that federalism is the dominant characteristic of the Constitution Act, 1867.

We owe this national characteristic to the 33 Fathers of Confederation and, perhaps especially, to Sir Georges Etienne Cartier. Sir John A. Macdonald would have agreed to a decentralized unitarian state, but Cartier convinced him that Quebec wanted nothing less than a federal state. Cartier knew something about this since he had created a commission to draft a civil code in Quebec (Lower Canada). This code took effect on August 1, 1866. Cartier believed in Canada's bijuralism.

[English]

I draw attention to our juridical system at this stage because it is very important in our federation. Very few countries, very few federations, have two systems of law — but Canada does. It is also a tremendous advantage for us.

[Translation]

To protect the Civil Code of Lower Canada, in section 92.13 of the Constitution, in the list of provincial jurisdictions, Cartier used the expression "Property and Civil Rights" that came directly from the Quebec Act, 1774, which reinstated the French civil law from France. That was quite something, the United Kingdom reinstating French law in one of its colonies! It was Lord North, the Prime Minister at the time in London, who had the Quebec Act passed in Westminster. Very few people have heard of Lord North. I never miss an opportunity to point out what he did, which was so important for our country.

Our ancestors, who were undoubtedly happy to have their French civil law back, remained loyal to the British Crown and did not join the American rebels, who separated from England with the help of the French navy and General Lafayette. That is what took place.

[English]

In my opinion, the distinct character of Quebec is enshrined in the Quebec Act, 1774, which has never been revoked. I am pleased to refer to Eugene Forsey's declaration: "Quebec is not, has never been, and will never be a province like the others. Quebec is the 'citadelle of French Canada.'" All provinces have the same powers. It is normal in a federation. However, one has a distinct system of law.

Quebec has had a civil code since August 1, 1866. The other provinces have the common law system. New Brunswick has translated into French the common law applicable in that province. The bijuridism in Canada is enshrined in the Constitution. There was also an embryo of bilingualism at section 133 in the Constitution Act, 1867, and at section 23 of the Manitoba Act, 1870. In 1982, that bilingualism was considerably extended at the federal level and in the Province of New Brunswick. Again, such equilibrium was of the greatest importance to the Canadian federation.

The Constitution is a living tree. We have been saying that since the early 1930s. It evolves. Furthermore, the interpretation of the Constitution is as important as its drafting.

• (1500)

[Translation]

Ontarians under Sir Oliver Mowat and Quebecers under Honoré Mercier and his successors defended the autonomy of the provinces and the division of powers in sections 91 to 95 of the Constitution. The Judicial Committee of the Privy Council was generous when it came to heading 92.13 on property and civil

rights, but split in two the heading trade under section 91, local trade being considered provincial. Thus, the Privy Council decentralized our Constitution. The Supreme Court has taken the same line. In matters of trade however, it has broadened federal jurisdiction to include competition in *General Motors*, which is a very good decision.

More than one economic power was listed in section 91 as coming under federal jurisdiction, such as commerce, fisheries, navigation, maritime law, banking, and currency and, for the provinces, section 92 and its 16 headings were generously interpreted by the Privy Council, especially heading 13 on property and civil rights, which was well received in Quebec and would ensure Canadian federalism a special place in the great federations of the world. We do not have a lot of concurrent powers. Perhaps we should have more.

These days, the federal government is interested in education, health, social welfare and municipalities. That is quite understandable. In 1867, the Fathers of Confederation could not predict the tremendous development ahead in health and welfare. Today, the demands in these areas must be met.

It must be repeated that education as covered in section 93 is provincial in nature. The federal intervention provided for under section 93 was not used until the 19th century. I will come back to education later.

Health is also a provincial jurisdiction, for the most part because of sections 92.7, 92.13 and 92.16 of the Constitution. The same is mostly true of social welfare. In 1964 the federal government was given power over old age pensions under section 94A. The federal government has the right to intervene through its power to spend, according to the case law.

The decision of the Supreme Court in *In Re Adoption Act* in 1938 should not be forgotten. The Supreme Court declared that, while education and welfare are primarily provincial matters, the federal government is subject to the temptation to expand its powers in these domains from time to time. This is not surprising.

[English]

It is in the nature of federalism to have an era of centralization and an era of decentralization. In 1937, the Judicial Committee of the Privy Council declared that it was within the power of the federal authority to spend money even in the provincial spheres, but — and this is important — the Parliament of Canada has no authority to legislate in the provincial spheres. This decision of 1937 does not go further and, as we say in French, the spending power n'a pas été balisé. Some limits should take place, in my opinion.

Many federal-provincial conferences have taken place since the Second World War to circumscribe the spending power. We may refer to the conferences before and after 1982, to the Meech Lake accord, to Charlottetown accord, and many other conferences, but so far we have not yet succeeded. We should continue our efforts.

[Senator Beaudoin]

[Translation]

I want to say a word about universities. We are told that universities are desperate for money. I spent 20 years of my life in a university and I know something about this. For several years now, we have been hearing about federal assistance to universities and municipalities.

Again, I am not opposed to providing federal assistance to universities, on the contrary. I remember the days when Duplessis would prevent universities from accepting federal assistance. We settled this issue. We found an appropriate formula. Quebec and the other provinces benefit from the federal assistance provided to universities.

An important event occurred in 1982. Section 36 was included in the Constitution Act of 1982. This is a remarkable provision. It reads:

[English]

Without altering the legislative authority of Parliament or of the provincial legislatures, or the rights of any of them with respect to the exercise of their legislative authority, Parliament and legislatures, together with the government of Canada and provincial governments, are committed to

- a) promoting equal opportunities for the well-being of Canadians;
- b) furthering economic development to reduce disparity in opportunities; and
- c) providing essential public services of reasonable quality to all Canadians.

Parliament and the government of Canada are committed to the principle of making equalization payments to ensure that provincial governments have sufficient revenues to provide reasonably comparable levels of public services at reasonably comparable levels of taxation.

[Translation]

Some legal experts wonder about the scope of section 36.

Is it purely indicative or is it imperative? In my opinion, it is imperative. If the federal and provincial governments do not implement this section, the courts could say that these governments must take action and take every measure to create equal opportunities. However, it will always be up to Parliament and the legislatures to set the amount of subsidies.

I will conclude with a word on municipalities. We must be very careful. It is fine for the federal government to give money to universities, but let us not forget that municipalities come under the jurisdiction of the provinces, as provided under section 92.8 of the Constitution. I have read other constitutions in which municipalities came under the federal authority, the central

authority, but the Fathers of Confederation put municipalities under provincial authority. However, we can surely find a way to give federal subsidies to universities, municipalities and large urban centres and still respect the Constitution. Why not?

• (1510)

However, Canada is not the only federation that finds itself in this situation, quite the contrary. The federated states of most federations do not have the same population and the same budget. There are several forms of federalism, but the Canadian federation may be the one that has the best balance between the federal government and the provinces.

What I hope is that we will continue to have the utmost respect for the Canadian Constitution and for the federalism that is enshrined in it. If we compare our Constitution to other ones in the modern world, we realize that it is one of the most democratic.

Our 1982 Charter of Rights and Freedoms is an important achievement that has had a major impact on our lives, thanks to the remarkable work done by the Supreme Court of Canada which, over a period of 20 years, has issued 450 Charter rulings. This court of ultimate recourse, which is also our constitutional court, is truly modern, effective and independent.

The Hon. the Speaker: Senator Beaudoin, I am sorry to interrupt you, but your time is up. Do you request leave to continue?

Senator Beaudoin: Yes.

The Hon. the Speaker: Honourable senators, is it your pleasure to adopt the motion?

Hon. Senators: Agreed.

Senator Beaudoin: Honourable senators, the Supreme Court is the ultimate authority that settles disputes between Ottawa and the provinces, and that gives their true meaning to each of the headings under sections 91 to 95.

Honourable senators, I will conclude by saying that Canadian federalism is definitely one of the best balanced that I have seen in my life.

[English]

Hon. Marjory LeBreton: Honourable senators, the Speech from the Throne laid out the Martin government's plans regarding our health care system. Unfortunately, as with other items in the speech, the government neglected to offer much in the way of specifics.

Although many health care problems were mentioned, with many pledges made to address them, hardly any solutions were offered. If there is an issue in our country today that is in desperate need of a solution it is health care. Platitudes and vague promises do not stop our doctors and nurses from going to the United States. They do not help pay for diagnostic equipment or deal with imminent threats to public health.

Last fall, the federal SARS advisory panel chaired by Dr. David Naylor from the University of Toronto released a report that recommended, among other things, that Canada have its own version of the U.S. Centers for Disease Control. As we heard in the Throne Speech, the government has committed itself to a Canada public health agency and a chief public health officer. These are laudable commitments. However, there are many details surrounding these new entities that need to be worked out. How quickly will the agency be set up? What will its budget be? Will it be centralized in one city? Where will the expertise come from?

The new Minister of Health, Pierre Pettigrew, has said that he hopes that the Canada public health agency will be in place within a year. If that is the case, the particulars related to the public health agency and the chief public health officer must be fleshed out quickly. New and emerging diseases do not wait for a convenient time to strike, as we learned firsthand last spring with SARS. Although it appears that the federal government heeded some recommendations from the Naylor report, one wonders what it plans to do to improve disease surveillance and to speed up the transfer of information between federal and provincial health authorities.

One year ago, the former Prime Minister promised the provinces \$2 billion for health care, if the budget surplus allowed. After weeks of the government publicly going back and forth on the issue, first saying the payment would be made, then warning the money might not be available, the premiers were finally told at the first ministers' meeting that they would receive the full amount.

The Martin government asserted this in the Speech from the Throne and said that the \$2 billion payment to the provinces for health care will reduce waiting lists. Despite the fact that the provinces are glad to see the money come through as promised, the truth is that this \$2 billion payment is simply a stopgap measure. It does not address the structural problems within the system that have led, in part, to the lengthy waiting lists. We only have to read articles in the papers today and the release yesterday from the Canadian Medical Association to realize what a serious problem this is. Also, decreases in transfer payments will offset this one-time only payment meaning that the provinces will actually have lower operating budgets this year.

The Throne Speech also stated that the government would support the newly formed health council of Canada in the development of information on which waiting time objectives can be set. Again, many questions arise from this statement. Will these objectives be set in consultation with the provinces? What happens if a province does not meet these objectives? Will a person be given treatment in another province or in the United States? What tools will the health council have in communicating waiting times to patients? Will these waiting lists be based on optimum or maximum wait times?

People should be told how long they must wait for testing or treatment, especially invasive treatments. A person who has fasted

and has been prepped for surgery and subsequently finds out that it has been cancelled should be told when the surgery will be rescheduled. We know that in many cases this does not happen. Although the government pledged in the Throne Speech to reduce waiting times for diagnostic tests and treatment, it did not provide an explanation as to how this will actually occur.

We should remember, honourable senators, that the Prime Minister who is giving \$2 billion to the provinces today is the same person who as the finance minister cut \$25 billion from health care over the last 10 years. Unfortunately, that in itself gives us reason to believe that the Liberal status quo will be maintained.

Any Canadian who has been to a crowded hospital emergency room in this country over the last decade has already experienced what wait times will be like under a Martin government. There can be no serious discussion of health care reform in this country without giving consideration to how it is to be paid for. Remarkably, the Throne Speech did not contain any mention of long-term sustainable funding for health care. Perhaps anticipating that this would be the case, the premiers have instructed their health and finance ministers to review their systems in light of sustainability, as the first ministers' meeting this summer will address the need for long-term funding.

Although the feeling today between the premiers and the Prime Minister does not seem to be as combative as it was under former Prime Minister Jean Chrétien, it will surely change if this government is not prepared to make a long-term commitment to health care funding, and very soon.

Honourable senators, another notable omission in the Throne Speech was the lack of any recognition that the baby boomers are rapidly approaching their senior years, and the resulting strain that this will place on the cost of delivering health care. A few years ago, Ottawa author David Cork wrote a book called, *The Pig and the Python: How to Prosper from the Aging Baby Boom*. While this book is largely about investment advice, the analogy of a pig moving through a python helps to put our aging population into perspective. The pig, so to speak, is the baby boom generation, a bulge in the middle of the snake slowly moving toward its tail.

There are now some 4 million Canadians aged 65-plus, equal to one adult in six, or one Canadian in eight. By the year 2021, there will be roughly 6.7 million seniors, equal to one adult in four, or one Canadian in five. By 2041, as those graduating from university today approach retirement, there will be 9.2 million Canadians aged 65-plus, equal to one adult in three, or one Canadian in four.

Of far greater significance is the growing number of Canadians aged 85 and above. There are now just half a million people above age 85, a figure that is expected to grow to 846,000 by 2021, and to 1.6 million Canadians by 2041.

It is in the first few and in the final few years of life that we are most in need of medical attention and services. A young man or woman in his or her 20s may go two or three years without visiting a doctor. When you get to your 60s, it is rare to go two or three months without seeing one. The visits get more frequent and you spend more time sitting in the offices of specialists who practice in areas of medicine that you did not know existed.

At age 65, you may need one or two prescriptions. For many in their 80s, the pills come already packaged for you by day and night and time of day, high blood pressure, low blood pressure, rapid heart beat, inactive thyroid, gout and blood thinners, to rhyme off just a few. For many seniors, the drugs are subsidized by their provincial governments.

If you are young or middle aged and need to recuperate from a fall or surgery, you stay at home and make do with the help of family and friends. If you are 85, you find yourself recuperating in a nursing home, usually at considerable cost to the province in which you live.

You can imagine what this demographic shift will do to the health care costs which are largely borne by the provinces. There will be more visits to doctors, more prescriptions filled and more need for nursing home beds. These costs will rise very quickly. Every province is worried about meeting these rapidly escalating costs.

This leads to another notable omission in the Throne Speech. By paying lip service to fiscal prudence, the government made no commitment to debt reduction.

• (1520)

The Minister of Finance said last month that he wants to reduce the debt-to-GDP ratio to 25 per cent from the current 44 per cent. Honourable senators, this is an empty promise, for the very simple reason that economic growth alone would achieve that goal within a decade, even if not a dime was paid down on the debt. If the denominator, in this case GDP, rises, then the per cent falls. This is basic elementary-school arithmetic.

Debt-service costs would not fall but would continue to eat up \$37 billion per year. Indeed, if we are at the bottom of the interest rate cycle, then debt-servicing costs would rise in the years ahead. We can only hope that the interest rates stay low.

Honourable senators, if we are to meet the costs of the health care system 10, 20, 30 or 40 years from now, we have to look beyond the next election, and even beyond the election after that. We have to ensure that the federal government can continue to do its share, and that means that we must make paying down the debt a high priority, not just as a percentage of GDP but in absolute terms.

It means that we cannot go on, year after year, tossing money at boondoggles such as the gun registry or sponsorship programs. It means that we cannot, year after year, hand out government grants and pretend that there are no long-term implications to not, instead, applying the money to debt reduction. It means that spending review exercises cannot just be about where we can

shift money from one program to another, but where we can shift money from low-priority spending to debt reduction.

Dr. Suni Patel, head of the Canadian Medical Association, said this in response to the Speech from the Throne: "We need to restore the confidence of Canadians in their health care system. Confidence does not get built overnight with a simple speech which is long on words but empty of specifics."

Honourable senators, health care professionals and patients alike deserve to know specifically what the government will do to improve the delivery of what it calls its number one priority. It is time for this Liberal government to stop merely saying that health care is its top priority; it is time for action.

The Hon. the Speaker: Are honourable senators ready for the question?

Some Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt motion?

Some Hon. Senators: Agreed.

Senator Kinsella: On division.

Motion agreed to, on division, and Address in reply to the Speech from the Throne adopted.

On motion of the Honourable Senator Rompkey, ordered that the Address be engrossed and presented to Her Excellency the Governor General by the Honourable the Speaker.

THE ESTIMATES, 2004-05

NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY MAIN ESTIMATES

Hon. Bill Rompkey, pursuant to notice of February 24, 2004, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Estimates for the fiscal year ending March 31, 2005, with the exception of Parliament Vote 10.

Motion agreed to.

VOTE 10 REFERRED TO JOINT COMMITTEE ON LIBRARY OF PARLIAMENT

Hon. Bill Rompkey, pursuant to notice of February 24, 2004, moved:

That the Standing Joint Committee on the Library of Parliament be authorized to examine the expenditures set out in Parliament Vote 10 of the Estimates for the fiscal year ending March 31, 2005; and

That a message be sent to the House of Commons to acquaint that House accordingly.

Motion agreed to.

OFFICIAL LANGUAGES ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Gill, for the second reading of Bill S-4, to amend the Official Languages Act (promotion of English and French).—(*Honourable Senator Stratton*).

Hon. Terry Stratton: Honourable senators, I have assured Senator Gauthier that, having checked with our caucus and no one wishing to speak on this side, we would now move second reading of this bill.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I move that the bill be referred to the Standing Senate Committee on Legal and Constitutional Affairs.

Senator Kinsella: Official Languages.

Senator Rompkey: I should like to move that the bill be referred to the Standing Senate Committee on Official Languages.

The Hon. the Speaker: Honourable senators, if unanimous leave is given, Senator Rompkey can vary his motion.

Hon. Senators: Agreed.

The Hon. the Speaker: I will put the question, as amended by unanimous agreement.

It was moved by the Honourable Senator Rompkey, second by the Honourable Senator Losier-Cool, that the bill be referred to the Standing Senate Committee on Official Languages.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill referred to the Standing Senate Committee on Official Languages.

[Senator Rompkey]

BILL RESPECTING THE EFFECTIVE DATE OF THE REPRESENTATION ORDER OF 2003

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kinsella, seconded by the Honourable Senator Stratton, for the second reading of Bill S-7, respecting the effective date of the representation order of 2003,

And on the motion of the Honourable Senator Kinsella, seconded by the Honourable Senator Stratton, that the original question be now put.—(*Honourable Senator Robichaud, P.C.*).

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, this has been in Senator Robichaud's name now for well over a week. I wonder when he intends to speak to this very important matter.

• (1530)

[Translation]

Hon. Fernand Robichaud: Honourable senators, as soon as I understand why such a motion was in the Order Paper, I will speak about this matter. This bill was debated and was defeated in a vote. Next, there was a motion for the previous question. It was argued that if this motion were defeated, the bill would be completely struck from the Orders of the Day.

[English]

The Hon. the Speaker: Is the wish of honourable senators to stand this item, or should I put the question?

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): I thank the honourable senator for speaking to this motion. As I moved the motion that the original question be now put, I guess His Honour should say that if I speak, it would close the debate.

The Hon. the Speaker: Did you wish to speak, Senator Robichaud?

[Translation]

Senator Robichaud: I think that I was clear when I said I had no intention of giving my speech now. In answer to the Honourable Senator Lynch-Staunton, I explained why I was hesitant and I clearly indicated, at the end, that as soon as I understood what was happening, I would give my speech. This is another way of asking that the debate be stood until the next sitting of the Senate.

[English]

The Hon. the Speaker: To dispose of this matter, honourable senators, it is necessary for Honourable Senator Robichaud to move the adjournment.

Are you moving the adjournment, Senator Robichaud?

[Translation]

Senator Robichaud: I said, “stood”, initially; no one believed me. Consequently, I ask that the debate be stood until the next sitting of the Senate.

[English]

On motion of Senator Robichaud, debate adjourned.

2002 BERLIN RESOLUTION OF ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY

REPORT OF HUMAN RIGHTS COMMITTEE— DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the second report of the Standing Senate Committee on Human Rights (clarification of its mandate), presented in the Senate on February 17, 2004.—(*Honourable Senator Rompkey, P.C.*).

Hon. Shirley Maheu: Honourable senators —

The Hon. the Speaker: I am informed by the Table that the Honourable Senator Maheu has already spoken to this item. Pursuant to the rules, she can only speak once. Is she asking for leave to speak again?

Senator Maheu: I am asking for leave to speak again.

An Hon. Senator: No.

The Hon. the Speaker: Leave is not granted, Senator Maheu.

Hon. Bill Rompkey (Deputy Leader of the Government): I would be happy to have Senator Maheu speak now.

The Hon. the Speaker: I will ask again because I heard someone say “no.”

I would ask honourable senators to please come to order. I want to see if there is leave.

Is leave granted, honourable senators, for Senator Maheu to speak a second time to Order No. 1 under Reports of Committees?

An Hon. Senator: No.

The Hon. the Speaker: Leave is not granted.

Hon. John Lynch-Staunton (Leader of the Opposition): As long as the honourable senator is adding to what she said earlier and not closing debate, I would be in agreement.

Hon. Marcel Prud'homme: Your Honour, two times it is yes, then no, then a few words. I want to make sure it is understood that if the honourable senator speaks now, she will not close the debate.

The Hon. the Speaker: The only speaker who has a right of reply is the mover of the motion. I am under the impression that Senator Maheu was not the mover of the motion. Accordingly, by our rules, this is not a right of reply closing debate.

Senator Maheu: Honourable senators, I just wanted to clarify one point. I have no objection if Senator Prud'homme wishes to take the adjournment.

Our committee has discussed the mandate again, and we are clear and ready to proceed with our hearings. The Senate has already given us a mandate to hold hearings. We will eventually hear from many diverse groups.

As well, we intend to accept suggestions from senators as to any other groups they think we should hear. We would like to advise the Senate that we are, therefore, ready to initiate our first meeting.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I thank the Chair of the Human Rights Committee for that explanation and I agree with everything she said. Therefore, I move, seconded by Senator Stratton, that this item be stricken from the Order Paper.

The Hon. the Speaker: Is it agreed that we put the motion, honourable senators?

Senator Prud'homme: This is becoming more and more obscure! This clarifies that we need some debate. Therefore, I move not the adjournment of the motion of the honourable senator, since there has been another one, but I move the adjournment of the debate, seconded either by Senator Nolin or by Senator Watt, if he does not mind. I move the adjournment of the debate on the motion of Senator Kinsella.

Senator Lynch-Staunton: Before doing so, I understand from Senator Maheu that she is now quite prepared to hold hearings on the order that was given to her committee. Whether this item remains on the Order Paper or not, I gather the committee is prepared to initiate the instruction that was given by this chamber.

Senator Maheu: Yes.

Senator Lynch-Staunton: In effect, this motion becomes redundant, whether it stays on the Order Paper or not.

Senator Maheu: That is right.

Senator Prud'homme: I have a few comments for my honourable friend, Senator Lynch-Staunton. The committee asked for clarification; I heard that. I was told that, privately, that clarification was given. We are the Senate of Canada, so who knows what goes on between one or two or three or four or five individuals. The Honourable Senator Maheu came to the chamber and asked for clarification from the senator who put

the motion. That senator is not here. That is why I did not speak the last time this order was called. I felt that, in all due fairness, I would like to see the gentleman who put the motion to send the resolution to the Human Rights Committee. The committee then wanted clarification of its mandate, I now hear that Senator Maheu is satisfied because clarification was given to her — by whom I do not know. At any rate, this Order Paper item has now been pushed aside by the good motion of Senator Kinsella, who said, “I move that this item be stricken from the Order Paper.” That is a debate within the debate. I then moved the adjournment on Senator Kinsella’s point.

Until the Senate is satisfied — not one individual or two — about the clarification that the full committee has asked the Senate to provide, I do not think the committee can begin its deliberations and start spending its budget. That would not be appropriate.

Therefore, if I were the honourable senator, I would be careful not to hold hearings until we finish with Senator Kinsella’s motion asking that this item be struck from the Order Paper today.

Senator Lynch-Staunton: The point is that the Senate was always satisfied with the motion; it passed unanimously. A representative of the Human Rights Committee said that its members needed clarification. In the meantime, I gather that the clarification is there; they have it. The motion is redundant. Let us get on with the work. Senator Grafstein’s motion regarding the OSCE is very worthy of study and report. I think we all look forward to it. I encourage the chair of the Standing Senate Committee on Human Rights to begin as soon as possible.

• (1540)

Senator Kinsella: I agree with what the Leader of the Opposition has just said. In fact, there was no motion before the house. We simply had a report and were debating it. The issue has been clarified, as Senator Maheu has indicated to us. My motion is simply to strike the item from the Order Paper. That is a debatable motion, and Senator Prud’homme is quite right. He has moved the adjournment of the debate on the motion to strike this from the Order Paper.

Senator Prud’homme: Your Honour, I am not a child. I have seen enough wheeling and dealing on this matter. I still propose that we were not given clarification. Maybe some members of the committee are happy, but it is the Senate that was asked. The honourable senator came back and said, “You have given us a mandate, thank you very much.” It is the first time that someone has come back to us for clarification. I am waiting for the clarification before the honourable senator goes ahead with her motion.

The Hon. the Speaker: Procedurally, I am getting into an area where I think I should clarify, for no other purpose than my own.

Senator Kinsella moved a motion that I mistakenly thought required notice. When he moved his motion, I paused to see if there was consent that he move the motion. I was incorrect, and under rule 59(13), notice is not required for the motion. I cannot remember whether or not I identified a seconder.

[Senator Prud’homme]

Senator Lynch-Staunton: Yes, Senator Stratton.

The Hon. the Speaker: If I did that, the motion is before us.

Senator Prud’homme: That is right.

The Hon. the Speaker: Senator Kinsella has helped us here. Senator Prud’homme, in order to make his points, can either speak to the motion and make his points now or move the adjournment of the debate and do so later on. Do you wish to speak now or do you wish to move the adjournment of the debate?

Senator Prud’homme: Maybe I should yell. I clearly said that I was adjourning the motion of Senator Kinsella. I know sometimes it is tough to hear in this chamber.

The Hon. the Speaker: It is difficult for you and I to sometimes hear one another. I now am clear on what you said. It is not a debatable motion. I will put the motion. You had selected a seconder. Is it Senator Plamondon?

Senator Prud’homme: No, Senator Watt.

The Hon. the Speaker: It was moved by Senator Prud’homme, seconded by Senator Watt, that further debate be adjourned to the next sitting of the Senate. Is it your pleasure, honourable senators to adopt the motion?

Hon. Senators: Agreed.

Senator Prud’homme: Some day the honourable senator should give us the clarification that she has not yet shared with us. This is a game!

On motion of Senator Prud’homme, debate adjourned.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

MOTION TO AUTHORIZE COMMITTEE TO STUDY CERTIFICATION OF PETITIONS TABLED IN THE SENATE—MOTION IN AMENDMENT— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Fraser:

That the Standing Committee on Rules, Procedures and the Rights of Parliament be authorized to examine, for the purposes of reporting by March 1, 2004, all Senate procedure related to the tabling of petitions in this Chamber in Parliament assembled, that a procedural clerk, having examined the form and content, certify the petitions in accordance with established standards and that follow-up be provided for in the Rules of the Senate,

And on the motion in amendment of the Honourable Senator Corbin, seconded by the Honourable Senator Maheu, that the motion be amended by deleting all the words after the word "That" and substituting the following therefor:

"the history of the practice in both the Senate and the House of Commons relating to petitions other than petitions for private bills, as well as the customs, conventions and practices of the two Houses at Westminster, be tabled in the Senate and distributed to the honourable senators before being referred to the Standing Committee on Rules, Procedures and the Rights of Parliament."

The Hon. the Speaker: Honourable senators, before I give the floor to Senator Corbin, I should advise that he has already spoken to this item. Is leave granted for him to speak again?

Hon. Senators: Agreed.

Hon. Eymard G. Corbin: Honourable senators, I will take only a moment of your precious time.

The other day, the His Honour the Speaker ruled on a point of order raised in connection with an amendment I had presented to a motion by the Honourable Senator Gauthier. In his ruling, His Honour suggested that though he accepted the amendment, certain precisions, if I may call them that, should be added to the motion. I am prepared, ready and willing to proceed with this matter, but I need the unanimous consent of the house to put my proposal forward. Therefore, I seek unanimous consent to amend my amendment.

The Hon. the Speaker: I think, Senator Corbin, you should indicate what you propose, and then I will ask if leave is granted for you to propose it.

Senator Corbin: Honourable senators, with respect to who should do the research referred to in the amendment, I am suggesting that it should be prepared by the Table Officers and tabled in the Senate by His Honour the Speaker no later than October 15, 2004.

[Translation]

I move:

That the history of the practice indicated in this motion in amendment be prepared by the Table Officers and tabled in the Senate by Mr. Speaker no later than October 15, 2004.

I seek the unanimous consent of the senators in order to proceed with this amendment to my amendment. I would also like to add a few words, if the honourable senators will allow me to do so.

[English]

The Hon. the Speaker: Is leave granted, honourable senators, for the variation in the motion as proposed by Senator Corbin?

Hon. Senator: Agreed.

Senator Corbin: Honourable senators, I think that the date of October 15 is not excessive. I have conferred with the Clerk of the Senate and he has indicated that that committee has quite a workload right now, and that it would not be possible to proceed with this type of request in the immediate future.

I explained the other day that I take the position that before we do change anything fundamental in our way of doing business here, we should be well informed as to why such a practice exists in the first place, rather than referring the thing right away to the Standing Committee on Rules, Procedures and the Rights of Parliament, which committee has quite a program before it as of now. In that sense, our proceeding today will not make a substantial difference because my understanding is that the Rules Committee will not be able to deal with the matter for some time.

It is important because Senator Gauthier, for whom I have a great deal of respect, is right in wanting to make a change. I subscribe to his intentions. However, if we are to make any changes to the rules, we should also look at a few other things in the process.

We now know that the rules in the other place — we do not necessarily follow the rules of the other place — do now have a procedure whereby if petitions are in conformity with the rules, and after being examined by a clerk of petitions, they are then referred to some office in the Privy Council. I do not know if one, two or three persons are charged with examining the petitions, but within 50 days, I believe it is, they do need to come up with a governmental response, which is then referred back to the other place. The matter then, as I understand it, is automatically referred to a particular committee for examination and report. That is time consuming, requires additional personnel and incurs costs. Is that the way we want to proceed? Perhaps. However, before we take that road, we ought to inform ourselves of the consequences.

• (1550)

Honourable senators will recall when the decision was made in this chamber to keep a scroll of attendance in the Senate. That resulted in the hiring of an extra person in the clerk's office, who tabulates on an ongoing basis the presence of senators in the house, in committees and in public business so that the press is informed and may report on it from time to time. Costs are incurred. I would like to know the consequences in this instance. The Table Officers could examine that question and include it in their report as well.

Before we ask the committee to undertake its examination of such a proposal, it would be useful to have a statistical table of the action that follows in respect of positive or negative results and responses, and in terms of the committee's recommendations to the house once these petitions start moving. We would all want to be informed of that. I think that all honourable senators would want to be informed.

The Hon. the Speaker: Honourable senators, I note that Senator Gauthier is not in the chamber.

Senator Corbin: The question is on the motion in amendment.

The Hon. the Speaker: We would vote first on the motion in amendment as granted by unanimous leave, after which we would vote on the motion of Senator Gauthier, as amended.

Is the house ready for the question?

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): When I first read this motion in amendment, I thought that it would be a good approach. However, as I listened and thought about it again, I decided that perhaps this would not be the best way to proceed.

It seems somewhat strange that we would deal with the amendment to this motion and then refer the item to a standing committee for study. The main motion is to refer the item to the Standing Committee on Rules, Procedures and the Rights of Parliament, but the committee will not be seized of it until after the study that is envisaged in this amendment.

Senator Prud'homme: May we have clarification?

Senator Kinsella: It seems to me that there is a contradiction between the main motion and the motion in amendment. I will not oppose it because I think that the parliamentary calendar will transcend everything. I merely place my concerns on the record.

Hon. Bill Rompkey (Deputy Leader of the Government): In view of the concerns expressed, perhaps it might be better to adjourn the debate to allow honourable senators time to study the amendment and ensure that all honourable senators who wish to participate would have that opportunity.

Senator Prud'homme: Give us some clarification.

The Hon. the Speaker: It is moved by the Honourable Senator Rompkey, seconded by the Honourable Senator Losier-Cool, that further debate be adjourned to the next sitting of the Senate. Is it your pleasure, honourable senators to adopt the motion?

Hon. Senators: Agreed.

On motion of Senator Rompkey, debate adjourned.

ABORIGINAL PEOPLES

MOTION TO ADOPT SIXTH REPORT OF COMMITTEE OF SECOND SESSION AND REQUEST GOVERNMENT RESPONSE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Sibbeston, seconded by the Honourable Senator Adams:

That the sixth report of the Standing Senate Committee on Aboriginal Peoples, tabled in the Senate on October 30, 2003, during the Second Session of the 37th Parliament, be adopted and that, pursuant to Rule 131(2), the Senate

request a complete and detailed response from the Government, with the Ministers of Indian Affairs and Northern Development, Justice, Human Resources and Skills Development, Social Development, Canadian Heritage, Public Safety and Emergency Preparedness, Health, and Industry; and the Federal Interlocutor for Métis and Non-status Indians being identified as Ministers responsible for responding to the report.

Hon. Nick G. Sibbeston: Honourable senators, it is with great pleasure that I rise today to speak to the sixth report of the Standing Senate Committee on Aboriginal Peoples, "Urban Aboriginal Youth: An Action Plan for Change." It represents the first time a parliamentary committee has studied the needs and conditions of urban Aboriginal youth in Canada. The report has 19 recommendations and is the result of extensive work by members of the Aboriginal Committee who travelled throughout the country and spent 18 months examining this very important topic.

I wish to thank honourable senators who served on the Standing Senate Committee on Aboriginal Peoples, and especially the Honourable Thelma Chalifoux, former Chair of the Aboriginal Committee, whose leadership and dedication made this study possible.

Honourable senators, in the Speech from the Throne on February 2, the government recognized the reality that is described in our report. It was encouraging to hear that the government is serious about dealing with Aboriginal issues when it alluded to Aboriginal people in urban centres. The Aboriginal experience is increasingly an urban experience. Today, one-half of Canada's Aboriginal people live in urban areas. This increasing Aboriginal presence in Canada's cities is changing not only the make-up of those cities but also, in a very real sense, urban politics as well.

This is especially so for the larger urban centres of the West where a significant percentage of Aboriginal peoples reside. In Saskatoon, Aboriginal peoples currently comprise 9 per cent of the population; and in Winnipeg it is 8 per cent. These numbers are growing quickly each year. In smaller cities, such as Prince Albert, Aboriginal people already make up 30 per cent of the population. This is because of the Canadian phenomenon of Aboriginal peoples moving from the rural areas into the urban centres. Increasingly they are becoming a significant portion of the population in these cities.

The federal government to date has generally focused its attention and policies on the rural, reserve setting where First Nations live. Now is the time in our Canadian history when the federal government must recognize that most Aboriginal people no longer live in rural, reserve areas because they have moved to the urban centres in our country's cities.

Until recently, the rapid migration of Aboriginal people into the cities attracted little attention among policy makers. As a consequence, Aboriginal policy in Canada has focused almost exclusively on reserve-based First Nations. This approach to

Aboriginal policy no longer reflects the geographic and social reality of Aboriginal peoples. While I do not want to minimize the problems that exist for Aboriginal peoples in rural areas and on reserves, the increasing urbanization of Aboriginal people makes a new direction in policy development an urgent necessity.

The profile of the demographic shift of Aboriginal population to the cities holds significant implications for federal responsibility for Aboriginal people. Federal responsibility is no longer focused where the majority of Aboriginal people are living. Of the nearly \$8 billion that the federal government will spend on Aboriginal programs, only \$270 million will flow to urban and off-reserve Aboriginal programs of the federal government.

In a significant move away from current federal policy, which largely limits government responsibility for on-reserve status Indians and Inuit, the committee's report calls upon the federal government to recognize the mobility rights of First Nations when they leave their reserve communities. The report recommends a start to formal negotiations with the Metis people of Canada, the most heavily urbanized segment of the Aboriginal population, in order to recognize and clarify these rights. It was encouraging to hear in the Speech from the Throne that the government, in its policies, will engage in creating and dealing with a place for the Metis.

As honourable senators are aware, when measured against nearly every social and economic indicator, Aboriginal youth living in urban areas face major disadvantages in comparison with other Canadian youth.

• (1600)

It is usually a problem of Aboriginal people being poorer and having a difficult time coping within the urban settings. For many Aboriginal youth, city life is an overwhelming experience. While cities may seem to offer great promise, countless arrive ill-prepared to take advantage of these opportunities, and promise eventually turns to despair.

The issue is Aboriginal people living in rural areas moving to urban centres, and it is the problem of people not knowing the lifestyle and all that is involved in living in a more sophisticated urban centre. That is the essence of the problems that Aboriginal people face.

My uncle used to say, when he came from the North to the city, that he often wished he could carry a little axe, to mark his way as he moved around the city, to remember where he had gone. In the bush in the North, he was a very capable hunter and trapper, but when he went to the city, for just a few days, he found it mesmerizing and very difficult. That illustrates, in part, the difficulty Aboriginal people have in coming to a city and coping with the lifestyle there.

I could quote endless negative statistics. I would encourage my colleagues to read the report that we worked so hard to produce. I shall not go through all the statistics, the detail, that is provided

there, which really shows the plight and state of Aboriginal youth in our cities. We need to look beyond the statistics for answers, and that is what the report has done.

The committee's report maps out long- and short-term strategies to address both the needs and aspiration of youth, and it lays the foundation upon which their potential can be valued, nurtured and realized. Most notably, the report highlights the need for transition services to help youth adjust to city life. The report also discusses measures to address the high dropout rates, deals with community-based programs to promote sound parenting skills, as well as long-term strategic approaches for labour market readiness. These and other initiatives we describe will create a positive environment from which urban Aboriginal youth can thrive.

It is encouraging that the federal government stated in the Speech from the Throne that it would expand the urban Aboriginal strategy, which will provide more needed assistance to Aboriginal peoples in the cities.

Improving educational outcomes for Aboriginal youth must be a key part of any solution to improve the lives of Aboriginal youth. As we state in our report, ensuring meaningful access to higher education for Aboriginal youth is an investment we make not only in their future but also in ours. Despite these reassuring gains, however, Aboriginal youth continue to lag behind the rest of the Canadian population, at a time when jobs require more and more education.

While the general situations in cities are bleak, I should like to refer to a situation in the North, to show people the kind of progress that some native people in our country are making in the Northwest Territories, where I come from. The Dogrib people, who live in the area around Yellowknife, have become very involved in the diamond mines. The Dogrib people are the most traditional group of Aboriginal people in the North, yet, in the course of the last few years, they have made the jump to an industrial-type society. In terms of education alone, five years ago, six Dogrib students were attending technical schools and universities in the South. As a result of making the jump to the industrial age, as it were, and having funds available to give to their students, there are now 200 students attending universities and technical schools in the South. Obviously, the Dogrib people have made a decision to get involved in an industrial development, and are putting money in education.

My uncle used to say that education is power. Education is the means by which one can move from a tepee, out in the bush, to living and working in cities, wearing a white shirt, in an office. There are people from our area, who have come right from the bush, who are now professional people, which demonstrates the importance of education. Therefore, honourable senators, much of the report emphasizes education as a means of helping Aboriginal youth, so that they can become good contributing members of our society.

The report calls for the federal government to remove artificial status-based restrictions, so that all Aboriginal youth are eligible for post-secondary student assistance. The reality is that, while First Nations treaty people get financial assistance to go to universities, the Metis do not. I am not aware of a federal program that assists Metis people to go to university. Hence, it is recommended in the report that federal programs should apply to all Aboriginal youth, to give all of them a fair chance to get a good education.

Honourable senators, while post-secondary education is important, the emphasis cannot be on that alone. It is not realistic to expect that everyone can become a professional as a result of going to university. The trade and technical schools offer many good programs as well, so it is important to recognize that and have programs attuned to those areas.

I am familiar with the problems youth face when they move to the bigger centres. I faced them myself, as a young person going to Edmonton to attend university. I am aware of the struggle Aboriginal youth face when they are forced to leave the small communities to go to the bigger centres.

Honourable senators, I do not intend to go into much more detail about our report. I would encourage honourable senators to read the report, which maps out strategies for positive and meaningful change.

Aboriginal youth have talents, aspirations and hopes for better life. In this country, we always talk of labour shortages and the need to have people migrate from other countries to meet the labour needs. Honourable senators, my answer to that is that there is a large group of people in our country who can eventually be trained and educated to fill that labour-market deficiency that now exists. If the government is serious about this, it ought to read the report and look at the recommendations so it can do something very positive.

A sustained, cooperative effort among all levels of government — not only the federal government — is required. The provinces and Canadian municipalities also need to become involved, so that they can work together to respond to the needs of Aboriginal people.

I believe that a genuine window of opportunity exists to implement the kind of positive change needed to ensure that another generation of Aboriginal youth is not sacrificed. The committee has worked out a realistic plan of action and has detailed concrete steps, which, if implemented in a serious and dedicated fashion, can lead to meaningful reform and long-lasting change. It now falls on the government to respond.

In that regard, let me just state, honourable senators, that when we are dealing with these recommendations, we were afraid that they would be simply seen as that — recommendations — and not dealt with too seriously by government. Therefore, all the recommendations are shown as recommended actions. There is real desire on the part of the committee to have the government respond and act on the recommendations.

• (1610)

As I said, there are 19 recommendations and part of the motion is to have various government departments respond to the report. It is so very important not to have the report simply shelved or gather dust, or lost somewhere in the system. It is so important — nay, it is critical that the government respond to our report, in order that the good work of our committee can come to fruition. This is why part of the motion is directed at having government departments respond to us.

The Hon. the Speaker: Honourable senators, I regret to advise that the Honourable Senator Sibbeston's time has expired.

Some Hon. Senators: Question!

Senator Sibbeston: I have finished.

Hon. Charlie Watt: Honourable senators, would the honourable senator accept a question?

The Hon. the Speaker: Before a request can be put, we need unanimous consent for Senator Sibbeston's time to be extended. Is that agreed?

Hon. Senators: Agreed.

The Hon. the Speaker: I hear no dissenting voice, so it is agreed. Would you take a question, Senator Sibbeston?

Senator Sibbeston: Yes.

Senator Watt: Honourable senators, I understand that the report Senator Sibbeston has worked on over the years is important, and I agree that it is an important report. However, I believe we must be very careful that we do not start painting the picture such that we lose all our people and they all go to the cities. I received a document from the Leader of the Government in the Senate, Senator Austin, which is a report that was put together by Statistics Canada. That report mentions the fact that only 31 per cent of our people are now living on reserves; the rest have already left to go to the cities.

However, when we look closer at that, we realize that they have lumped the Indians, the Inuit and the Metis all together. If that is the case, perhaps we are painting a very wrong picture, and we should be very careful on that. The work that is being carried out by Statistics Canada needs to be corrected.

I will give one example that we have managed to put our hands on recently, but only within the Quebec portion of the report. That is, First Nations from Quebec do not seem to be reflected in the work that has been carried out by Statistics Canada. That is to say that 72 per cent of the Aboriginal people are on reserves.

If you ask me about the Inuit, I do not have the complete picture on that question, but I am getting that information. Knowing that the Government of Canada used the work of Statistics Canada on the population, that is the basis on which

[Senator Sibbeston]

they make their decisions when it comes to budgets and housing needs, educational needs, medical needs and whatever. For that reason, I am worried that if that statistic is not corrected soon, we will be misleading our government and we will be misleading ourselves. It is important that we make note of that on our record here.

This is very important, and I do believe that Senator Gill also has that same kind of information. We are already starting to have some problems because there are two sets of information now: one saying that in Quebec alone, the First Nations population is 72 per cent, but in the large picture it is only 31 per cent who are left on the reserve. When it comes down to dealing with housing needs, for example, we will be getting into a problem. In other words, we will have to rectify the misconception immediately before it goes too far.

Honourable senators, I wanted to use this time to make that statement, but I really do not have a question for Senator Sibbeston. However, to me it is an important matter.

Senator Sibbeston: Honourable senators, I will just make a comment. When you talk of Aboriginal people in our country, it is always important to recognize that in the northern parts of our country the situation with Aboriginal peoples is so different from Aboriginal peoples who live in the southern parts of the country.

The questions we talk about, such as the urban problems that native people are having, are not so much the case in the northern parts of our country, in Nunavut, Northwest Territories and Yukon. Without question, Aboriginal peoples in those areas are a big majority. In fact, 85 per cent of the population in Nunavut is Inuit people; in Northwest Territories, 51 per cent are Aboriginal, as is also the case in Yukon. In fact, on page 9 of the report there is information under the heading "Where do Aboriginal peoples live?" and so the information provided there gives the percentage, the number of Aboriginal peoples who live in different parts of our country.

On the whole, however, it does seem that statistics do show that one half — in fact 49 per cent — of self-identified Aboriginal people live in urban centres. This is a statistic that has resulted from the last census that we had in our country.

[Translation]

Hon. Aurélien Gill: Honourable senators, it is very important to clarify this information. Some time ago, statistics were based on the number of Registered Indians on reserves and the number of Metis and Inuit. You have to realize that Indians are registered under the Indian Act, but the Metis are not. They do not live on reserves. Indians live on reserves and the Inuit live on what are called settlements.

These statistics have always been interpreted differently. Today, everyone is lumped together under the term "Aboriginal"; Statistics Canada does this too. It determines the number of Indians, Metis and Inuit and then says that of this group, 31 per cent live on Indian reserves.

The Metis have never lived on Indian reserves. Why change this now and give statistics based on the total group of Aboriginals? It is important to provide accurate figures. People should not be misled. This is complicated enough.

In Quebec, there have been housing studies concerning the Indians of Quebec. The studies show that 72 per cent of Indians own homes. That does not mean there are no longer any Indians living in the communities. It may be true that 50 per cent of Aboriginals live off-reserve, but we must make the distinction between those who are governed by the Indian Act and those who are not. The Metis have never been governed by the Indian Act. Indians are governed by the Indian Act. We have to find other statistics and differentiate between the groups, not out of a wish for segregation, but to understand the reality in order to find concrete solutions.

I ask Senator Sibbeston in confirming or providing figures or references to specify whom it concerns.

[English]

On motion of Senator Stratton, debate adjourned.

• (1620)

BUSINESS OF THE SENATE

COMMITTEES AUTHORIZED TO MEET DURING SITTING AND ADJOURNMENT OF THE SENATE

The Hon. the Speaker: Honourable senators, two of our colleagues have requested the floor to ask for leave.

Hon. Joan Fraser: Honourable senators, I ask for leave to revert to Notices of Motions.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): For what purpose is leave requested?

Senator Fraser: If leave is granted, honourable senators, I would be asking the Senate for leave to allow the Standing Senate Committee on Transport and Communications to sit on Tuesday, March 9, at 3:30 p.m.

As we all know, the Secretary-General of the United Nations will be addressing a joint session of Parliament in the morning of that day, which is when the committee normally meets. The steering committee has considered this matter and approves. I may say that the deputy chair of the committee enthusiastically endorsed this concept.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Fraser: Honourable senators, I move, with leave of the Senate and notwithstanding rule 58(1)(a):

That the Standing Senate Committee on Transport and Communications be empowered to sit at 3:30 p.m. on Tuesday, March 9, 2004, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Honourable senators, leave was granted to revert to Notices of Motions and Senator Fraser has put her motion. Is leave granted for me to put the motion?

Hon. Senators: Agreed.

Hon. Lowell Murray: Honourable senators, I would like to say a word or two after the motion has been put.

The Hon. the Speaker: It is moved by the Honourable Senator Fraser, seconded by the Honourable Senator Massicotte, with leave the Senate and notwithstanding rule 58(1)(a):

That the Standing Senate Committee on Transport and Communications be empowered to sit at 3:30 p.m. on Tuesday, March 9, 2004, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Senator Murray: Honourable senators, I thank Senator Fraser for bringing to my attention the fact that there is a possible conflict between a committee meeting on the morning of March 9, and the speech of the Secretary-General of the United Nations before a joint session at that time.

I had intended to and am, indeed, convening the Standing Senate Committee on National Finance for 9:30 a.m. on that Tuesday morning. We have before us the Main Estimates for the fiscal year 2004-05. Assuming that the officials of Treasury Board, who would be appearing, would be free to appear at some other time during that day, because in my opinion we must hear them that day, I would ask whether the Standing Senate Committee on National Finance could be joined in this motion. I will decide at a later date, after consultation, whether to avail myself of the authority that the motion grants, if that is satisfactory.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: I wonder, Senator LeBreton, if your concern is of a similar nature?

Hon. Marjory LeBreton: Yes, Your Honour.

The Hon. the Speaker: I know this is unusual, honourable senators, but might I give the floor to Senator LeBreton to see what she has to say?

Senator LeBreton: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(i), I move:

That the Standing Senate Committee on Social Affairs, Science and Technology be empowered, in accordance with rule 95(3), to sit at 9:30 a.m. on Wednesday, March 3, 2004, even though the Senate may then be adjourned for a period exceeding one week.

The Hon. the Speaker: Honourable senators, because it is a different time, we should deal with it as a separate item. Perhaps we could go to the Honourable Senator LeBreton as the third senator requesting leave and deal with them as separate items. It is a little confusing to combine them.

I am returning to Senator Fraser's motion. Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: It was moved by the Honourable Senator Fraser, seconded by the Honourable Senator Massicotte, with leave the Senate and notwithstanding rule 51(1)(a):

That the Standing Senate Committee on Transport and Communications be empowered to sit at 3:30 p.m. on Tuesday, March 9, 2004, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

The Hon. the Speaker: Senator Rompkey is rising to ask a question.

Hon. Bill Rompkey (Deputy Leader of the Government): I was going to give Senator Murray the floor to put his motion. My understanding is we dealt with that one separately, but Senator Murray's motion was similar. I think we want to give him an opportunity to put it.

The Hon. the Speaker: I had agreed to see and I did see Senator LeBreton next. Senator Murray spoke to Senator Fraser's motion. He did not ask for leave. It would be unusual for me not to respect Senator LeBreton's taking of the floor.

Senator LeBreton: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(i), I move:

That the Standing Senate Committee on Social Affairs, Science and Technology be empowered, in accordance with rule 95(3), to sit at 9:30 a.m. on Wednesday, March 3, 2004, even though the Senate may then be adjourned for a period exceeding one week.

On that day, the committee intends to hear witnesses on the controversial Bill C-6.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: I will put the motion.

It is moved by the Honourable Senator LeBreton, seconded by the Honourable Senator Keon —

Some Hon. Senators: Dispense.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

Senator Murray: Your Honour, if you would retrieve Senator Fraser's motion and substitute the words "Standing Senate Committee on National Finance" for the words "Standing Senate Committee on Transport and Communications" and put the question, that would be fine.

The Hon. the Speaker: Honourable senators, I think that is in order.

Is leave granted for Senator Murray's motion?

Hon. Senators: Agreed.

The Hon. the Speaker: It is moved by the Honourable Senator Murray, seconded by the Honourable Senator Atkins, with leave of the Senate and notwithstanding rule 58(1)(a):

That the Standing Senate Committee on National Finance be empowered to sit at 3:30 p.m. on Tuesday, March 9, 2004, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Is it your pleasure to adopt the motion, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

REASONS FOR SITTING AS PROGRESSIVE CONSERVATIVE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Atkins calling the attention of the Senate to the reasons for his decision to sit as a Progressive Conservative Senator.—(*Honourable Senator Murray, P.C.*).

Hon. Lowell Murray: Honourable senators, first, let me thank Senator Atkins for the speech with which he opened this debate on February 5, a speech resonant with the values and traditions of the Progressive Conservative Party. I thank him for having recalled what our party had meant to us and to many thousands of Canadians over a long period of time.

I have drawn essentially the same conclusions as my honourable friend has done from the events of the past few months in our former party and have come to the same decision. I will not join the new party of the united right and I shall continue to carry the designation Progressive Conservative as a senator, as I have done for going on to 25 years in this chamber.

• (1630)

I ask for your indulgence so that I may explain myself for the record.

[*Translation*]

First, I will say that the procedure that was used in the winding-up of the Progressive Conservative Party is both dishonourable and contemptuous of the very constitution of the party. In substance and policy, the Alliance and the Progressive Conservative Party disagree and have always disagreed on the most fundamental issues, such as the role of the state in society and the nature of our country. The fact that they went through with such a merger without trying to resolve these differences seems to me absurd.

[*English*]

I shall speak first of process and then of policy. It must be noted that at two properly constituted national conventions, in Toronto in 1999 and Edmonton in 2002, the Progressive Conservative Party had resoundingly rejected merger or any electoral arrangement with another party. The process by which this policy was reversed last fall was sufficient in and of itself to alienate me definitively from the outcome and from the people who perpetrated it.

In June, shortly after the national convention in Toronto, our new leader, who during the leadership campaign had repeatedly declared his opposition to merger with another party, secretly appointed emissaries to conduct a process leading to just that result and to the dissolution of the party he had been elected to lead into the next election. He took that initiative without having consulted either the parliamentary caucus or the elected national executive of the party. We first heard of it when news leaked to the media on September 18.

As Senator Atkins said in his speech, the argument of the proponents from September 18 forward was "the train has left the station" and there could be no turning back. By October 15, a so-called "agreement in principle" had been arrived at with the emissaries of the Reform/Alliance. From that date, it was full speed ahead and damn the torpedoes. The party's constitution was twisted and bent out of shape to achieve the purpose of the proponents. For them, the end justified the means.

A "virtual convention" by telephone link was held on December 6. A form of ratification of the fait accompli was agreed by more than 90 per cent. It was a coup, similar to what we have seen in some countries where the constitution is suspended and a new order ratified in a quick plebiscite. Thus was our former party, the party of Confederation, the party of Macdonald and Cartier, extinguished.

The merger of the Reform/Alliance and the Progressive Conservative parties purports to unify two parties whose core convictions were not only different but also fundamentally opposed and contradictory, one to another. The Reform/Alliance and the Progressive Conservatives were fundamentally opposed in their respective views as to the role of politics in government and fundamentally opposed also with regard to the nature of this country.

To the Reform/Alliance, government is at best a necessary evil. To the extent that government is present in our lives, they believe market-economy criteria and market-economy solutions must be applied to social and political issues. In practice, this has led their party to advocate Darwinist and regressive policies on such national questions as the treatment of linguistic minorities, employment equity, the progressive tax system, employment insurance, human rights, regional development, equalization, multiculturalism and Aboriginal rights. Honourable senators can judge this for themselves by reading the policy resolutions, election platforms and interventions of Reform/Alliance MPs in the House of Commons.

Progressive Conservatives had always rejected this laissez-faire ideology. The market economy is a wonderful instrument in its proper domain. However, politics and government must address ends such as equity and justice, redistribution, social cohesion and national unity. We had demonstrated our commitment to these purposes throughout our history in office or in opposition, federally and provincially.

Whose approach will prevail in the new party of the united right, that of the Progressive Conservatives or that of the Reform/Alliance? Two years ago, Stephen Harper gave us a penetrating glimpse into his party's social policy as well as its federal-provincial policy. "Providing for the poor," he said, "is a provincial, not a federal responsibility."

On the central issues of national unity — language rights, Quebec's place in Canada, the Constitution, equalization, regional development — either the former Progressive Conservatives in the new party will have to renounce their policy or the Reform/Alliance will have to abandon theirs. Whose policy will prevail?

The Reform Party, as we know, was founded with the aim of destroying the Progressive Conservative Party, which they have now achieved. However, one must acknowledge that there was a principled, substantive purpose behind this. That purpose was to reverse those very policies I have just mentioned, core policies that reflected our vision — a mainstream vision, if you like — of the country and to replace them with their own radically different concept of Canada.

I am incredulous that some former Progressive Conservatives would believe that these are matters of mere detail to be negotiated by reasonable people in the spirit of compromise or, as my friend Peter White implies in an article in *The Globe and Mail* recently, that the responsible people in the Reform/Alliance will be so easily separated from their principles.

Mr. Preston Manning, the founder of Reform, summed up their response to the historic mainstream policy in a few words. When you are asked to affirm the linguistic or cultural duality of Canada, he said, "they are asking you to affirm all the wrong things." Elsewhere, he referred to this as "the Plains of Abraham concept of Confederation" and allowed that it may have had some relevance in 1867 but has been overtaken by events.

As for Mr. Harper, he summed up his views on Quebec in his usual dogmatic style. "Quebec nationalism," he said, "can only be victorious or defeated. It cannot be accommodated."

From their inception as a political party, Reformers have advocated repeal of the Official Languages Act, reduction or cancellation of federal subsidies to provinces for second-language education, reductions in what they call "second-language broadcasting" by CBC and Radio-Canada, and other policies the effect of which would be a massive retreat from bilingualism by the federal government — and a total contradiction of the policy of the former Progressive Conservative Party.

The new party has issued a so-called "Areas of Agreement" statement affirming the principle of equality of status of English and French in all institutions of the Parliament and Government of Canada. This is an attempt to fudge the issue — and very thin fudge it is. It leaves untouched all the anti-bilingualism policies I have just mentioned and would also gut the new provisions of the Official Languages Act passed by Parliament in 1988 at the initiative of the Mulroney government.

Several weeks ago, Mr. Scott Reid, MP, was reappointed as the party's shadow cabinet critic and spokesman on official languages. Mr. Reid is an intelligent, articulate young man who represents the constituency of Lanark-Carleton, where I live. As his frequent parliamentary interventions on language matters attest, he completely rejects federal language policy as it has evolved over the past 35 years. Indeed, some years ago, he authored a book, *Lament for a Nation*, on the subject. Whose policy prevails, Progressive Conservative or Reform/Alliance? On language matters, Mr. Reid's appointment as spokesman answers that question.

The new party's "Areas of Agreement" document promises to "uphold the freedom of individuals and families to nurture aspects of culture that are important to them." How generous! It adds, however, that "institutionalized multiculturalism as a taxpayer-funded program has run its course." Say goodbye to the Mulroney government's Canadian Multiculturalism Act, the first such national legislation passed in any Western industrialized country.

On equalization, Reform's very first platform advocated a 10 per cent reduction as a deficit-fighting measure. With such a party in opposition, no wonder the Chrétien government got away with murder in fighting the deficit on the backs of the provinces.

Over the years, they have come to terms somewhat with equalization, although their support is hedged with qualifiers, including the condition that equalization must be the only federal-provincial redistributive mechanism. Say goodbye to such sectoral agreements as the New Brunswick highways initiative that Premier Lord and former Prime Minister Chrétien were celebrating a few months ago.

• (1640)

It is nothing short of astounding to me that the leading people in the Progressive Conservative Party would have abandoned a political tradition that was 150 years old, of which they were the trustees, and surrender to a party 15 years old without having overcome the fundamental contradictions between the two parties.

I invite honourable senators to read the areas of agreement of the new party. Look at their health care policy and wonder where they stand on the Canada Health Act. Reform/Alliance policy or Progressive Conservative?

Look at their policy on employment insurance. Note the tight, careful wording, and wonder what they have in store for fishermen and seasonal workers. Reform/Alliance policy or Progressive Conservative?

Look at their commitment to "an equal Senate" and wonder whether it is provincial equality or regional equality they are talking about. Listen to what some of them are saying.

If you believe it is the instinct of a Conservative in politics to try to preserve and promote respect for our national institutions, listen to them attacking the Governor General instead of the government which is responsible for her. Listen to John Williams, an MP since 1993, and chairman of a commons committee, referring to a judge of the Quebec superior court as "a Liberal hack." Listen to Tony Clement ventilating about the millions he will save by wielding an axe at CBC and Radio-Canada.

Listen and regret what has become of the Conservative tradition in Canadian politics. Senator Atkins expressed the hope that the new party would reflect the values and beliefs Progressive Conservatives hold so strongly. One shares his hope, but those values and beliefs are nowhere to be found in the policies of the new party, to date. The truth is that the new party seems neither progressive nor conservative in the Canadian tradition.

On motion of Senator Atkins, for Senator Spivak, debate adjourned.

NATIONAL SECURITY AND DEFENCE

COMMITTEE AUTHORIZED TO CONTINUE STUDY ON VETERANS' SERVICES AND BENEFITS, COMMEMORATIVE ACTIVITIES AND CHARTER

Hon. Joseph A. Day, for Senator Meighen, pursuant to notice of February 24, 2004, moved:

That the Standing Senate Committee on National Security and Defence be authorized to undertake a study on:

(a) the services and benefits provided to veterans of war and peacekeeping missions in recognition of their services to Canada, in particular examining:

- access to priority beds for veterans in community hospitals;
- availability of alternative housing and enhanced home care;
- standardization of services throughout Canada;
- monitoring and accreditation of long term care facilities;

(b) the commemorative activities undertaken by the Department of Veterans Affairs to keep alive for all Canadians the memory of the veterans' achievements and sacrifices; and

(c) the need for an updated Veterans Charter to outline the right to preventative care, family support, treatment and re-establishment benefits;

That the papers and evidence received and taken on the subject during the Second Session of the Thirty-seventh Parliament be referred to the Committee;

That the Committee report no later than June 30, 2004.

Motion agreed to.

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO STUDY CHARITABLE GIVING

Hon. Richard H. Kroft, pursuant to notice of February 25, 2004, moved:

That the Standing Senate Committee on Banking, Trade and Commerce be authorized to examine and report on issues dealing with charitable giving in Canada. In particular, the Committee shall be authorized to examine:

- the needs and opportunities of Canadians in relation to various aspects of Canadian life (such as health care, education, social and cultural programs and institutions, senior care, heritage preservation, scientific research and more) and the ability of Canadians to assist in these areas through charitable giving;
- current federal policy measures on charitable giving;

- new or enhanced federal policy measures, with an emphasis on tax policy, which may make charitable giving more affordable for Canadians at all income levels;
- the impact of current and proposed federal policy measures on charitable giving at the local, regional and national levels and across charities;
- the impact of current and proposed federal policy measures on the federal treasuries;
- any other related issues; and

That the Committee submit its final report no later than December 31, 2004.

Hon. John Lynch-Staunton (Leader of the Opposition): I would like to ask a question of Senator Kroft, as chairman. Senator Plamondon had a motion agreed to here unanimously for your committee to look into the question of usurious interest rates. There was no deadline attached to it. I was wondering if the Banking Committee would be looking into that question and, if so, when.

Senator Kroft: I thank the honourable senator for the question. I cannot provide the answer as to the time. Certainly we have placed Senator Plamondon's motion on the committee agenda. We have discussed it in committee along with a number of priorities. We are moving through studies that have been for some time on the committee's agenda. I have written to Senator Plamondon, acknowledging her motion and asking her for whatever further information she would like us to have.

The Hon. the Speaker: Are honourable senators ready for the question?

An Hon. Senator: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

BUSINESS OF THE SENATE

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, I wonder if I might have leave to revert to Orders of the Day, Government Business, in order to call Bill C-4.

The Hon. the Speaker: I will ask that question of the honourable senators. It has a bearing on an order made earlier in the day. With knowledge of that, and looking to Senator Rompkey's request for leave to revert to Government Business, is leave granted to revert to Government Business?

Some Hon. Senators: Agreed.

Hon. Marcel Prud'homme: Since we are on a day of clarification, honourable senators, I would like to make sure. We were supposed to sit at 5:30 p.m. to accommodate Senator

Oliver, but it seems that there has been all kinds of wheeling and dealing going on. It is that kind of a day that happens once in a while. I want to know if that means that Senator Rompkey is the only and last speaker, or if the debate will continue. I may want to participate later on, after the 6 p.m. adjournment, probably, and come back tonight, or who knows. I would just like to be very clear.

Does the fact that we have given permission to delay this matter in order to hear from Senator Oliver — and I was happy to do that — mean that there is an agreement that he is to be the only speaker? I would like to be very clear on this. Who can clarify that situation?

Senator Rompkey: Honourable senators, we laid down the motion earlier, because Senator Oliver was travelling. We anticipated that he would be later than he actually was. He is now here in the chamber, and his presence obviates the need for our sitting at 5:30 p.m. in order to begin debate on Bill C-4.

In view of that, we can now begin debate on Bill C-4. It would be our intention to hear first from Senator Oliver, since he took the adjournment, and then I believe Senator Cools wishes to speak. I have heard from no other members on our side who wishes to speak on the bill, but we would hope to conclude debate on the bill today and move it to committee.

Senator Prud'homme: We will see about that.

The Hon. the Speaker: I will then confirm just where we are at, honourable senators.

Senator Rompkey has requested leave to revert now to Government Business for purposes of calling the order on which, I gather, Senator Oliver wishes to speak. Is leave granted to so proceed?

Hon. Senators: Agreed.

PARLIAMENT OF CANADA ACT

BILL TO AMEND—SECOND READING

Leave having been given to revert to Order No. 1:

Resuming debate on the motion of the Honourable Senator Austin, P.C., seconded by the Honourable Senator Rompkey, P.C., for the second reading of Bill C-4, to amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer) and other Acts in consequence.

Hon. Donald H. Oliver: Honourable senators, I am pleased to rise to join in the debate on this important topic. I apologize to honourable senators for not being here on time, but I was otherwise engaged. I hope that I have not inconvenienced anyone as a result of my own schedule.

As you will know, I have spoken in the Senate on more than six occasions on the need for an acceptable ethics code for senators. Today I do not intend to repeat any of the comments that I made on those previous occasions.

• (1650)

I am pleased to join in on this important debate once again, but it is certainly never easy to follow Senator Joyal and Senator Beaudoin on issues of the Constitution. My remarks today will not deal with the Constitution, per se, although they will deal with section 20.1. Instead, I will deal with what I call the 121 words — the 121 words in the speech given by the Leader of the Government in the Senate, the Honourable Senator Austin, in relation to the so-called double majority in relation to section 20.1.

Before getting to that, I wish to repeat, honourable senators, that I am a strong advocate for a code, but it should not unduly tie the hands of honourable senators. I agree that the time has come to have an official code of conduct. Part of the need for implementing such a code is to recognize that service in Parliament is a public trust; as such, we should have a code in order to maintain public confidence and trust in the integrity of parliamentarians individually. A code would also help to maintain the respect and confidence that society places in Parliament as an institution.

However, this does not mean that we must be tied up in knots. As was done in the Milliken-Oliver report, we set out to reassure the public that all parliamentarians are held to standards that place the public interest ahead of our own private interest. That report also stated that the code would provide a transparent system by which the public may judge this to be the case. We are not speaking of setting up criminal or quasi-criminal legal regimes but simply a code of conduct, even a code of ethics.

Honourable senators, I was not here for most of Senator Austin's speech, but when I had an opportunity to read it, I was struck by the concept of a double majority — the 121 words. If I can have leave to revert today, I will comment on Bill C-3, in respect of an elected Speaker. My remarks on that item and on Senator Austin's commitment are very similar. Senator Austin, when I raised the matter of an elected Speaker last year, suggested that I would have an option of hitting either a ball to first base or a home run. He went on, as I will discuss later today, in dealing with the other bill, to outline what he meant by doing it "outside the Constitution." His commitment to members of the opposition is very much in the same light. I should like to read the 121 words, and then outline why I have serious misgivings about them.

Senator Austin cited proposed section 20.1 of the Parliament of Canada Act — which I do not intend to repeat — and then he said, on page 372 of the *Debates of the Senate*, the following:

Nothing in that section says whether the Governor in Council must initiate the name or whether the Senate would initiate the name. As this is a critical issue in the appearance of the Senate's independence, on behalf of the government I now make a commitment that prior to sending the Senate the name of any person to be proposed to the Senate to be a Senate ethics officer, the Leader of the Government in the Senate shall be authorized to consult informally —

The word is "informally"; he said, "consult informally."

— with the leaders of every recognized party in the Senate and with other senators and shall be authorized to submit to the Governor in Council the names of such persons who shall, in the opinion of the Leader of the Government in the Senate —

That is an absolute discretion given to the Leader of the Government in the Senate.

— have the favour of the leaders of every recognized party, as well as the support of the majority of the senators on the government side and the majority of the senators on the opposition side.

What will happen once all that takes place? This is the clever, key language:

The Governor in Council will, in turn, make every effort to accommodate the interests of the Senate in ensuring that the Senate ethics officer is both seen to be independent and is in fact independent...

Honourable senators, what we have here is only an undertaking or a commitment. There is nothing in writing. It is my opinion that anything that will bind the government should be, by way of a regulation, in the rules or it should be an amendment to proposed section 20.1, so that we can clearly know just what is being undertaken. It is my opinion that an amendment to proposed section 20.1 is the safest and surest way to go, because too much is left to the discretion of the Leader of the Government in the Senate.

I have a number of questions on my mind. How do we know that that commitment is binding? Can the commitment that was made in this Senate commit and bind all other people who sit in that chair of power on the other side? Maybe. There is no security for the Senate in knowing whether that commitment can be withdrawn at will. It is not tied to a statute; it is not tied to a rule; it is not tied to anything. It is *in vacuo* — in air, in a vacuum. What assurance does the opposition party have that that will be carried out?

In the course of his discussions, the learned Leader of the Government in the Senate said that he only referred to remarks made on the debate from senators from the government side. One of the traditional definitions of the word "contempt" is "to think unworthy of notice" — to be unimportant, to be not relevant. The comments of the Leader of the Government in the Senate about the contribution that opposition senators have made over the many months to the ethics debate means that he holds those views in contempt. Why should an opposition that has been told by the Leader of the Government that he holds their comments and views in contempt have any reason to believe, first, that the government leader would consult informally and, second, that this informal process would ever be carried out to ensure that the ethics officer would be independent?

What proof and assurance is there for an opposition held in contempt by the Leader of the Government in the Senate that the Governor in Council would, in turn, "make every effort"? What assurance and what proof would an opposition have that this informal consultation would be any more than just that, informal, perhaps taking place by way of a pass in the hallway?

Honourable senators, for something as important, as profound and as meaningful as having a proper code and a proper officer to administer that code in the Senate, I think we need more than a mere commitment that is not binding. We must have some particulars as to how this double majority will actually work. The unfettered discretion of the Leader of the Government in the Senate to make the decisions is not enough assurance for any opposition party and, accordingly, for honourable senators in this chamber.

We need some particulars of how this double majority will work. Is there to be a standing vote on that side and then a standing vote on this side? Will it be a secret ballot? How do we know what the terms of the two majorities will be? Honourable senators, it is not clear. The Leader of the Government in the Senate said, in part — and I repeat:

...who shall, in the opinion of the Leader of the Government in the Senate, have the favour of the leaders of every recognized party, as well as the support of the majority of the senators on the government side and the majority of the senators on the opposition side.

Honourable senators, does that mean that the two leaders, the Leader of the Government and the Leader of the Opposition, will meet to determine whether they have a majority for the particular candidate? It is such an important matter that there should be a significant amount of clarity provided.

What is the machinery for setting up this important double majority? Is it a standing vote or a secret ballot? Will there be an opportunity for honourable senators to interview any of the prospective appointees? Will there be an opportunity to question any of the potential appointees?

In one of the democratic deficit documents, we read that there would be a greater opportunity for members of both Houses to interview, question and talk to people who will receive Governor-in-Council appointments. Why is that not here, and why are we left in a vacuum as to just how this double majority will work?

• (1700)

If the opposition is 20 members out of 105, and 11 of the 20 are not in favour, does that mean that the double majority does not work and that candidate does not get it? It is not clear.

What would be the opinion of the Leader of the Government if there were two votes or if there were two results? I do not understand what the language "will make every effort" means, and on my way back from Toronto, I was thinking that if I use language like "I have a commitment, I will consult informally and

will make every best effort," and I went to my banker and asked for a line to be established for \$5 million based on language like that, what would be the chances of my being successful in getting it? Would I be giving my banker the assurance he would want before he advanced the funds? I probably would not be successful in getting a dollar.

Honourable senators, section 20.1 should be amended. It should be clarified and, before it passes, there should be some amplification from the government as to how the double majority would work, particularly in view of the Senate where the majority is not much more than 20 out of 105, so that we can know that there will be some fairness attached to the process.

Honourable senators, I have not had an opportunity to prepare as much as I would like to say on this matter, but I did want to have those comments on the record before the matter goes to committee. If I have a opportunity in my schedule to get to that committee, I intend to go and move some amendments, not just in relation to the double majority but on other matters that concern me. This is an extremely serious bill, and it is not something that should be given only cursory review by honourable senators.

With that, I conclude my remarks.

Hon. Anne C. Cools: Honourable senators, I rise to join this second reading debate, and my comments shall be, essentially, on the existence of this bill.

Honourable senators, the introduction and prosecution of this bill is deficient. As a proposition, it fails to meet the parliamentary, lawful standards required to seek the advice and consent of the Senate. These deficiencies are its failure to fulfil and comply with the *lex parliamenti*, the law of Parliament, and the *lex prerogativa*, the law of the prerogative of the Queen of Canada. These are the two branches of the law, honourable senators, that come into force when Parliament considers a bill.

Honourable senators, a bill is an instrument of the two Houses acting together. Each House has a respective, equal and co-ordinate share of the parliamentary process of passing bills. A bill is a request from the Senate and the House of Commons, acting together and asking Her Majesty to enact a statute per the terms of that request. The Constitution Act, 1867 s.17 tells us that Parliament is composed of the Queen, the Senate and the House of Commons. The Queen is the head of Parliament. She is the *caput principium et finis*; that means the head, the beginning and the end. As the head of Parliament, her agreement, her Royal Assent, is the enacting power that gives a bill the force of law and makes it a statute. Her additional constitutional royal powers include those of proroguing and dissolving Parliament. These royal powers are the *lex prerogativa*.

In Canada, these royal powers are exercised by the Queen's representative, the Governor General. Whereas the BNA Act, 1867, section 9, constitutes the Queen the executive authority and section 17 constitutes her as the head of Parliament, in Canada the office of the Governor General, with its royal powers of prorogation and dissolution of Parliament, is not constituted by

the BNA Act. They are constituted by the same royal prerogative, by King George VI himself, in 1947. The Letters Patent Constituting the Office of the Governor General of Canada, s. VI states:

And We do further authorize and empower Our Governor General to exercise all powers lawfully belonging to Us in respect of summoning, proroguing or dissolving the Parliament of Canada.

Honourable senators, these prerogative powers of the Queen Sovereign are sovereign powers. These commands take the form of royal writs and royal proclamations. The sole authority to prorogue Parliament rests with the sovereign, the Queen. Orders, commands of the Queen, are not subordinate to any other order. The writ of prorogation is sovereign; all other orders are subordinate to it.

Honourable Senators, prorogation is a binding act of the sovereign which puts an end to a session of Parliament. It terminates the sittings, the proceedings and bills in both Houses of Parliament. A writ of prorogation is a termination order, issued by the Governor General on the advice of Her Majesty's Cabinet, particularly the Prime Minister. In his *Parliamentary Procedure and Practice in the Dominion of Canada*, fourth edition, George Bourinot tells of this finality, saying:

The legal effect of a prorogation is to conclude a session; by which all bills and other proceedings of a legislative character depending in either branch, in whatever state they are at the time, are entirely terminated, and must be commenced anew, in the next session, precisely as if they had never been begun.

Honourable senators, Blackstone, Hatsell, Redlich and other parliamentary references confirm this finality, this conclusion.

Honourable Senators, having explained the prerogative law of Her Majesty, I move now to the law of parliament, the *lex*, the law that governs the practices, powers, privileges, rules, votes, and proceedings of the two Houses of Parliament and the houses' relations with the Queen. In 1628, Sir Edward Coke, in his *Fourth Part of the Institutes of the Laws of England* explained this law, that:

As every court of justice hath laws and customs for its direction, some by the common law, some by the civil and canon law, some by peculiar laws and customs, so the High Court of Parliament hath also its own peculiar law, called the *lex et consuetudo Parliamenti*.

This law includes the power of adjourning the houses, the Senate and the Commons. By this law, an adjournment of the House is within the power of that House. It is never to be confused with prorogation, by the prerogative. Each House has authority for its own adjournment, but an adjournment of one is not an adjournment of the other. John Hatsell tells us this. In the 1818 edition of his *Precedents of Proceedings in the House of Commons* Volume II, John Hatsell said:

The different effects of a prorogation and an adjournment are, that, the first concluding the session, all Bills, or other proceedings, depending in either House of Parliament, in whatever state they are, are entirely put an end to, and must, in the next session be instituted again, as if they had never been begun. Whereas upon an adjournment, every proceeding remains entire, and may at the meeting after the recess, be taken up in the state, and at the period, where it was left.

Further, a writ of prorogation terminates both Houses simultaneously.

Honourable Senators, an important part of the law of parliament is the central requirement that bills must have three readings in both Houses to qualify for Royal Assent. No one can deny this well-established law whose existence was already well documented by 1340. William Stubbs wrote this. In his 1890 *Constitutional History of England*, fourth edition, he said:

The three readings of the bills are traceable as soon as the form of bill is adopted; the committees for framing laws find a precedent as early as 1340 ...

Sir Thomas Smith, a famous member of Parliament around 1576, wrote of Parliament's proceedings. Of the law and three readings, Sir Thomas Smith said:

All bills be thrice, in three divers days, read and disputed upon, before they come to the question.

Three readings of a bill, with debate and vote in each house is the undisputed, well-established law of Parliament.

Honourable Senators, I come now to the relations between the two Houses, the Senate and the Commons, and their respective shares of the law of Parliament. I quote Josef Redlich on this relationship and its need for agreement.

• (1710)

In his 1908 *Procedure of The House of Commons* Volume II, he said:

Inasmuch as Lords and Commons in combination with the Crown form the 'King in Parliament,' the legislative Sovereign, agreement between the decisions of the two Houses is required for the expression of the will of the state in all parliamentary action. This agreement must, in the first place, be perfect;...

In short, for a bill to obtain the Governor General's Royal Assent, it must have perfect agreement between the Senate and the Commons. That perfect agreement includes agreement on the law of Parliament that bills receive three readings in each House, and agreement that in the law of the prerogative, that a writ of prorogation is a termination of all proceedings on bills.

Honourable senators, the law of parliament, the *lex*, which includes all the customs, principles, and practices of Parliament, is jointly held and owned by Parliament, jointly held and jointly owned by the Senate, the Commons and the Queen. It is binding on them all. In short, Parliament is conceived as a whole and as the supreme forum, whose usages are the unique source of law for all those powers and privileges that belong to the separate parts of Parliament. The whole Parliament is the sole custodian of the whole joint law of Parliament, which law evolved through centuries of joint, mutual, reciprocal dealings. The goal of the *lex* is the perfect agreement, the concurrence, necessary to bring forth bills agreeable to Her Majesty for her Royal Assent. This perfect agreement is grounded in the autonomy that each House is master of its own affairs. Josef Redlich tells us of this peculiar independence for mutuality, saying:

Each House is, in theory, therefore, the sole judge of its own action in the interpretation and application of the joint rules which have been evolved through centuries of mutual dealing.

The autonomy of each House, Senate or Commons, is directed and regulated by the joint law of Parliament in their proceedings to bring forth bills for Her Majesty's assent. Erskine May, in his *Parliamentary Practice*, eleventh edition, also tells that these powers, privileges and independence are actually constitutionally granted by the same joint law of parliament, saying:

They are enjoyed, however, not by any separate right peculiar to each, but solely by virtue of the law and custom of Parliament. There are rights or powers peculiar to each...but all privileges...appertain equally to both houses. ... but still it is the law of Parliament that is thus administered.

Honourable senators, independence means the independence of both Houses subject to this joint and mutually held law. In this way, the two Houses mutually keep each other from exceeding their proper constitutional limits and from encroaching on each other's independence. In short, independence of each House bars the one from foisting a corrupt proceeding upon the other.

Honourable senators, the law of Parliament, the *lex parliamenti*, is the joint law of the Senate and the Commons. It is jointly held and mutually owned. Therefore, an amendment to the law of Parliament is a joint matter requiring mutuality, reciprocity and agreement between the joint operators of the law, the joint proprietors of the law, the Senate, the Commons and the Queen on the amendment. No one House can amend or defeat that law of Parliament unilaterally.

Honourable senators, the Commons unilaterally cannot amend, abrogate or defeat the law of Parliament that every bill requires three readings in each House. No Commons order can unilaterally abolish the duty of a House to do three readings. This law can only be amended by the mutual action of the Senate, the Commons and the Queen because, as I said before, this law is a joint law.

In fact, the bill before us, Bill C-4, has not had three readings in the House of Commons and consequently does not qualify for the Senate's consideration and concurrence. The Senate has no privileges or power to countenance such a claim from the Commons.

Honourable senators, finally, again, no House of Commons order or resolution can amend, overrule or annul the Royal Writ of Prorogation and the Royal Proclamation issued under the royal prerogative power on November 12, 2003, by Her Excellency Governor General Adrienne Clarkson. Neither House of Parliament has any privileges or power to defeat such a proclamation issued under those Letters Patent and the Great Seal of Canada.

Further, if the Commons, for reasons known only to itself, adopted some order pretending to do so, such order can have no legal force for the Senate and cannot compel the Senate's agreement because the Senate has no privileges or power to agree with such an order. The Senate is the master of its own affairs. It is the master of its own internal proceedings. The Senate's affairs are not subservient or subordinate to any order, either a true order or pretender order of the Commons. The Senate cannot consider a Commons claim that a Commons unilateral order can nullify Her Majesty's order for prorogation of November 12, 2003.

In fact, I would argue that the Senate cannot countenance such a claim because such a claim is contrary to Parliament's law, and the Senate, being the master of its own proceedings, has a constitutional obligation to deny and condemn such claim because the Senate has a duty to uphold its own independence and its own integrity. The Senate cannot countenance a dishonourable claim, a claim that breaches the privileges of Parliament, dishonours the Queen and subverts the Constitution.

Honourable senators, I have searched hard and long to find a quotation that is able to grasp and to articulate the nature of our Constitution and the nature of the relations between the Houses and the nature of the balance of our constitutional system. I found it in Sir William Blackstone. As honourable senators know, he wrote in the 1700s and is probably one of the most clear minded writers ever. In 1765, in his *Commentaries on the Laws of England*, Book I, he wrote about the mutual and independent relations of the Houses of Parliament and the balance of the Constitution, saying —

The Hon. the Speaker: I am sorry to interrupt, but the honourable senator's 15 minutes have expired.

Senator Cools: Could I have leave to continue?

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Cools: Sir William Blackstone wrote:

Thus every branch of our civil polity supports and is supported, regulates and is regulated, by the rest: for the two houses naturally drawing in two directions of opposite interest, and the prerogative in another still different from them both, they mutually keep each other from exceeding their proper limits; while the whole is prevented from separation, and artificially connected together by the mixed nature of the Crown, which is a part of the legislative, and the sole executive magistrate. Like three distinct powers in mechanics they jointly impel the machine of government in a direction different from what either, acting by themselves, would have done; but at the same time in a direction partaking of each, and formed out of all; a direction which constitutes the true line of the liberty and happiness of the community.

In closing, honourable senators, I submit that the House of Commons orders of February 10 and 11, 2004, for the reinstatement and prosecution of Bill C-34 from the last session, now as Bill C-4 today, despite a prorogation, and deficient of three readings, debate and votes, is a mischief upon the Senate. It is a mischief that subverts the law of Parliament and the constitution of both the Senate and the House of Commons.

• (1720)

I thank honourable senators for their attention.

Hon. Jack Austin (Leader of the Government): Honourable senators, as I am the mover of the bill, may I proceed? It is not a question. I would like to exercise the right of reply.

The Hon. the Speaker: I must caution honourable senators that if I see Senator Austin and he speaks, his speech will have the effect of closing the debate.

Senator Andreychuk: I wish to speak.

Hon. David P. Smith: Honourable senators, I have a question of the previous speaker.

The Hon. the Speaker: Will you take a question, Senator Cools?

Senator Cools: Happily, honourable senators.

Senator Smith: I take it that rather than raising a point of order on which she was seeking a ruling from the Chair as to whether this matter is properly before us, the honourable senator is giving a speech to persuade us —

Senator Cools: Obviously I was speaking to second reading of the bill. I did not raise a point of order. If Senator Smith feels inclined to do so, he can raise it. However, I was not raising a point of order.

Senator Smith: I do not wish to raise a point of order.

I am curious, Senator Cools, in that when the House of Commons adopts a procedure — designed to make it operate more efficiently — so that its members can, by motion, put bills to the stage that they were at when one session ended and another session of the same Parliament is entered into, why do you find it desirable to put Parliament in a straitjacket and redo everything it has already done? How do you find that a desirable *modus operandi*?

Senator Cools: Senator Smith, I believe that the observance of the law is always a desirable *modus operandi*. That is the first thing that I would like to say on this matter.

Honourable senators, we have a curious situation whereby the writ of prorogation, as issued, terminated all proceedings in this chamber. However, by some miracle, it did not seem to have terminated their proceedings in the other place. I would submit to honourable senators for their consideration that the powers of adjournment and the powers of prorogation are exactly the same for both Houses of Parliament.

I submit to honourable senators that the House of Commons has no greater power and no greater privilege than the Senate. All the authorities and all the laws as I have read them have said that the House of Commons and the Senate share equal and coordinate powers at all times.

Any attempts to alter what we call the law of Parliament, which Senator Austin referred to yesterday as the high court of Parliament, have to be done by mutual action. The peculiar thing about the balance of our Constitution and our system as it exists is that the two chambers, even though they have independence, in point of fact are running in accordance with the same law.

I would also like to say to honourable senators, if perchance the House of Commons assumes unto itself a power that it does not have, that that power imposes no obligation on this chamber, on this particular house, to agree to that or to accept that. The duty of senators, as members of Parliament, is to keep each other in a phenomenal sense of balance.

I am very sorry that Senator Smith thinks some of these matters are just an inconvenience. The fact is that, in my view, votes and decisions from proceedings are so important in Parliament that we should treat them in a very treasured way.

Senator Smith: Honourable senators, I will ask a question to which I would invite the honourable senator to reply. Given that the House of Commons has by due process adopted a procedure to allow it to function more efficiently when considering a bill, a procedure by which no one is adversely prejudiced, rather than putting members of the other place in a straitjacket by asking them to go back to "Go" on the monopoly board and go all the way around the board again, does the honourable senator not think it is a bit much for us to interfere with that? If she is in fact right and this is illegal, there are procedures to address it. I am curious as to whether the honourable senator has thought of that.

Senator Cools: I will find another authority for the Honourable Senator Smith on the effect of a prorogation. I will quote Erskine May, who said in the twenty-second edition of *Parliamentary Practice*:

The effect of a prorogation is at once to suspend all business, including committee proceedings, until Parliament shall be summoned again... Not only are the sittings of Parliament at an end, but all proceedings pending at the time are quashed, except impeachments...and judicial proceedings before the House of Lords.

Senator Smith is a lawyer. Quashed means quashed, end means end and over means over.

If members of the House of Commons purport to create an order to reinstate bills, they have not just created an order; they have created a new constitutional power that was never given to them by the BNA Act. That is what I am saying.

I am very impressed by your interest, Senator Smith, because I thought as I was giving this speech that many would yawn.

I want to tell honourable senators the law of Parliament, as is the law of the prerogative, are the two most understudied areas of law in the existence of all the different branches of law. What is crystal clear is that the intention of section 18 of the BNA Act as it was received into Canada — what we call the immunities, powers and privileges section — was to convey the ancient law of Parliament, the law and custom of Parliament, to this particular Parliament, meaning the Senate and the House of Commons.

I am only saying that there are ways, honourable senators, that a House can fast track measures, especially where there is agreement. For example, any authority will tell you that measures have been speeded up in either House by agreement to move motions that are unopposed and that pass with a minimum of opposition and a minimum of resistance.

In the instance of the reinstatement of private bills, a standing order was created. In the instance of government bills, an omnibus order was created, which gave them the power to overcome a writ of prorogation.

Honourable senators, I was very distressed a year ago when John Manley, then the Deputy Prime Minister, said whatever he had to say about Her Majesty the Queen. The truth is that so many people in this country, particularly on our side, have been saying for so long that the Queen is irrelevant or the Queen is only a ceremony that they have actually forgotten or ignored the fundamental law of our system.

Senator Smith, I am not speaking of any antiquarian curiosity. I am speaking about the constitutional system that vests these authorities in Her Majesty. If you doubt me, I have a copy of the proclamation that states very clearly what we, the Senate and the Commons, were ordered to do.

Honourable senators, I find this to be a very good and interesting debate. I am pleased that you are happy and that you want to consider my words. I am saying that, as members of Parliament, we are quite often a little slipshod. What I am describing to honourable senators is the state of the law as it is, not what I would prefer or what you should prefer. This is the state of the law.

I did not go into a whole set of other areas, which I could have done. If you look at the prorogation, at the writ itself, it says very clearly that the Governor General issued this writ on the advice of the Prime Minister. I did not even go down the road of that particular constitutional involvement.

• (1730)

All I am saying to the Honourable Senator Smith is that the Constitution of this country gave no more power to the House of Commons than it did to the Senate. The powers given to the Senate and to the House of Commons do not include the power to overrule a writ of prorogation or the power to overrule the requirement for three readings of a bill, even though there are two different branches of law.

My point here is that any amendments and changes to those laws will involve and include the Senate. I am not suggesting that everything is totally unchangeable. I am saying that any change involves this Senate chamber. The concept that we are the masters of our own chamber exists precisely to buttress and to protect us from being subordinated and subjugated at any time to the House of Commons. I do not believe for a moment that this house should be subordinate to the other House.

These are not matters of antique interest — and as honourable senators know, I have a bit of the antiquarian in me. I sincerely love this stuff and I believe in it. Nevertheless, I am aware that we are now in a community where most people do not even toast the Queen any more. However, the fact of the matter is that this is our constitutional system, and this is the state of the law. That is the system by which these chambers are supposed to be operating.

The Hon. the Speaker: Let me clarify why people are rising. Does anyone wish to ask a question of Senator Cools?

Hon. Marcel Prud'homme: Does the Honourable Senator Smith have another of his fine questions?

Senator Kinsella: If he does, he is not allowed to ask.

Some Hon. Senators: Oh, oh!

The Hon. the Speaker: Order, please, honourable senators. We are in an important debate, and I am having trouble hearing what is happening.

Did you ask a question, Senator Prud'homme?

Senator Prud'homme: No, no. I just wanted to know if Senator Smith, my friend, had another question of Senator Cools.

Senator Smith: Not at this time.

Hon. A. Raynell Andreychuk: Honourable senators, I did not have an opportunity to put questions to Senator Austin, but I do want my concerns to be registered.

First, I support Senator Oliver in his questioning of the operation of the bill and the interpretation as given to us by the honourable senator representing the government. I am in favour, as I was last time, of an independent ethics officer. I am also in favour of democratic reform, something that has been mentioned over and over again.

We have talked here about what the minority may do if this bill passes. However, I want the record of this house to show that it was a majority in this place that returned the predecessor of Bill C-4 — Bill C-34 — to the House of Commons in the last session with an amendment. The Senate returned the bill, indicating that an amendment was in order.

If the Senate is to receive the respect of this government, democratic reform cannot just mean free votes in the House of Commons. The government must undertake to listen to and to act on the will of this chamber.

We clearly stated that an independent ethics officer, as described in this bill, is not independent but exists at the sole and exclusive prerogative of the Prime Minister. Senator Austin, in his speech, gave an undertaking of how his government would operate — that it would consult and submit names that have the support of the majority on the government side as well as a majority on the opposition side — before the Governor in Council would act. At best, that is an undertaking, an indication; perhaps it might even be a convention. However, it is not an enforceable promise in legal terms.

Despite whatever undertakings are given, that is not how a democracy operates. A democracy does not operate on personal undertakings, people to people. A democracy works from institution to institution, law to law. If we wish the Senate to continue as an independent institution, as so many of us have stated, we must be at arm's length from the Prime Minister.

Senator Austin stated that this approach is no different than our approach to the officers of Parliament, such as the Auditor General. I have already stated that the system, when first put in place, may have served us well; however, our systems must evolve. The Privacy Commissioner situation showed that evolution is necessary.

After Mr. Radwanski left and before Ms. Stoddart was appointed, Mr. Marleau attended here and gave us an excellent critique. He told us that he had gone to the government and put in place a solution, perhaps not the best solution — perhaps a temporary one to suit that situation — but one that attempted to instil some professionalism into these positions. It was an attempt to give every Canadian a full opportunity to serve in those positions. Mr. Marleau said that there was full consultation.

I would ask the Honourable Leader of the Government in the Senate and all honourable senators to reflect on Mr. Marleau's testimony here. It is time to give independence not only to the ethics officer but to all other parliamentary officers. We in this place must take our duties seriously. This is not a political issue. This is not something that should be left to undertakings; this is not a matter that should be left to a Prime Minister, nor to the will of the majority.

If democratic reform is here, I suggest the government come forward with more appropriate criteria, a selection process that is unique to this government, a process that does not copy past history but one that will, in fact, lead to independence.

I know that people have tried to characterize this process as independent of us. This is not about independence from us. This is about a responsibility that we are undertaking for the Senate, as well as about transparency and accountability for the Senate. This is equally about accountability for the government and accountability for a Prime Minister. This process should place the levers of power elsewhere than in the hands of the Privy Council, the Prime Minister's office or in his own hands.

The hallmark of this new government should be to reflect what the will and the majority here said — that is, this bill does not go far enough.

What is the problem with changing the bill today? How would entrenching criteria of selection be problematic? Perhaps, as Senator Joyal said, the bill should include a time limit, as well as a dispute-resolving mechanism. We can, using our imaginations, come to a truly independent, transparent process.

I believe the principle of this bill is fair and that many of the clauses of this bill are necessary, but make no mistake, honourable senators: If we leave the bill as is, and do not allow the committee to properly address these concerns, we will have failed as an institution, and the government will have failed in its democratic reform.

I wish to underscore what Senator Oliver has said, in a practical way, that if we wish to continue to say that we are independent, this is the time to do so.

• (1740)

Senator Oliver: I should like to ask Senator Andreychuk a question.

The honourable senator was speaking about the new policy for the appointment of the ethics commissioner that was brought forward by the Leader of the Government in the Senate. This is really a change in policy in how our Senate ethics officer will be appointed without any corresponding change in how the ethics commissioner will be appointed in the House of Commons.

If we accept Senator Austin's proposal without an amendment to the bill, are we not denying the elected members of the other House the opportunity to review and debate this very substantive change in policy?

Senator Andreychuk: Honourable senators, the House of Commons can do what it chooses to do. I know that they have, by a motion, resurrected this bill at this point. Perhaps they have already had their say. I am not sure.

What I will say is that I do not believe the House spent the time it should have spent reflecting the consequences of how this system would operate. The House of Commons and the Senate had the right to participate in the process of appointment of our officers of parliament and we accepted, in most cases rather quickly, recommendations from the Prime Minister. It was only when we ran into difficulties that we took note. The Radwanski matter was evolving as they were dealing with the ethics package.

I agree with the honourable senator that if the bill went back to the House of Commons amended and with some good democratic signals, this would perhaps give the other place an opportunity to take note, reflect on, and perhaps agree with our amendments, or perhaps put in some other rules for themselves.

Mr. Marleau said that his rules were interim, but that there was an appetite for putting in a more extensive selection criteria. I believe he got those signals from the House as well as here.

The Hon. the Speaker: I caution that if Senator Austin speaks now, his speech will have the effect of closing the debate.

[Translation]

Senator Prud'homme: Honourable senators, after the events of this afternoon, I think some people have broken more than their word; they may have shattered some friendships. Some things in life cannot be repaired. What happened this afternoon, in connection with a motion for clarification, was, in my opinion, completely despicable and out of order.

For this reason, I will not go through with my original plan to keep you here until 6 p.m., to ask for adjournment at 6 p.m., and to return at 8 p.m. to give my speech on this subject. You will remember that I voted against, in the company of other senators; I could name them all for you, the 101 who were here or absent.

Instead, I will listen to Senator Austin's speech and hope that it will finish before 6 p.m.

[English]

The Hon. the Speaker: Senator Austin, I have already cautioned that your speech will have the effect of closing the debate.

Senator Austin: Honourable senators, I have listened most carefully to the debate on second reading today. I want to express my appreciation to those who spoke preceding me. There were some very interesting questions raised and some interesting suggestions with respect to the way in which we might further the development of our proceedings.

I do want to express my concern to Senator Oliver for his use of the word "contempt." It is not a word I used in speaking, and I do not believe it is a word that deserves to be levelled at me.

I would like to quote myself. On page 376 of the *Debates of the Senate* on February 24, 2004, I said, at the top of the page on the left-hand column:

Honourable senators, please believe that I have carefully considered all of the presentations made by honourable senators who participated in the debates on this bill in the second session of this Parliament. I respect the high quality of the argument made by each senator. The result is the proposal that I have made today, which I submit will act to protect the cherished independence of the Senate that is so much the concern of all honourable senators, and so effectively put forth by Senators Oliver, Joyal, Kroft, Bryden, Milne, Fraser and Carstairs from their respective viewpoints.

Honourable senators, I will always respect every submission made by senators in this chamber. I value the contribution that every one of us makes. I believe that I expressed that value in opening the debate on second reading.

Honourable senators, I do not believe that much more needs to be said at this stage. I believe it is the will of the chamber to move this bill to committee and to hear witnesses so that the many issues that have been debated here by Senators Joyal, Oliver, Cools and Andreychuk can be explored in committee.

I would ask honourable senators if they would permit the question to be put.

The Hon. the Speaker: Senator Austin, having concluded his remarks, has exercised his right of reply, and I am now obliged to put the question. I will do so.

It was moved by Honourable Senator Austin, seconded by Honourable Senator Rompkey, that this bill be read the second time.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Senator Kinsella: On division.

Motion agreed to and bill read second time, on division.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Austin, bill referred to the Standing Committee on Rules, Procedures and the Rights of Parliament, on division.

**RULES, PROCEDURES AND
THE RIGHTS OF PARLIAMENT****NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO RECEIVE PAPERS AND EVIDENCE**

The Hon. the Speaker: Honourable senators, Senator Milne has requested the opportunity to ask for leave from honourable senators.

Hon. Lorna Milne: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the papers and evidence received and taken by the Standing Committee on Rules, Procedures and the Rights of Parliament during the Second Session of the Thirty-seventh Parliament on Bill C-34 be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament.

The Hon. the Speaker: Honourable senators, is leave granted for Honourable Senator Milne to put that motion?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Leave is not granted.

Senator Milne: Honourable senators, I then ask leave to revert to Notices of Motions.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Milne: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the papers and evidence received and taken by the Standing Committee on Rules, Procedures and the Rights of Parliament during the Second Session of the Thirty-seventh Parliament on Bill C-34 be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Bill Rompkey (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58 (1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, March 9, 2004, at 2 p.m.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, March 9, 2004, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(3rd Session, 37th Parliament)
Thursday, February 26, 2004

GOVERNMENT BILLS
(SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-4	An Act to amend the Parliament of Canada Act (Ethics Commissioner and Senate Ethics Officer) and other Acts in consequence	04/02/11	04/02/26	Rules, Procedures and the Rights of Parliament					
C-5	An Act respecting the effective date of the representation order of 2003	04/02/11	04/02/20	Legal and Constitutional Affairs	04/02/26	0			
C-6	An Act respecting assisted human reproduction and related research	04/02/11	04/02/13	Social Affairs, Science and Technology					
C-7	An Act to amend certain Acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety	04/02/11							
C-8	An Act to establish the Library and Archives of Canada, to amend the Copyright Act and to amend certain Acts in consequence	04/02/11	04/02/18	Social Affairs, Science and Technology					
C-13	An Act to amend the Criminal Code (capital markets fraud and evidence-gathering)	04/02/12	04/02/24	Banking, Trade and Commerce					
C-14	An Act to amend the Criminal Code and other Acts	04/02/12	04/02/25	Legal and Constitutional Affairs					
C-16	An Act respecting the registration of information relating to sex offenders, to amend the Criminal Code and to make consequential amendments to other Acts	04/02/12	04/02/19	Legal and Constitutional Affairs					
C-17	An Act to amend certain Acts	04/02/12							
C-20	An Act to change the names of certain electoral districts	04/02/23							

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-212	An Act respecting user fees	04/02/03	04/02/11	National Finance	04/02/26	10			
C-249	An Act to amend the Competition Act	04/02/03							
C-250	An Act to amend the Criminal Code (hate propaganda)	04/02/03	04/02/20	Legal and Constitutional Affairs					
C-260	An Act to amend the Hazardous Products Act (fire-safe cigarettes)	04/02/03	04/02/23	Energy, the Environment and Natural Resources					
C-300	An Act to change the names of certain electoral districts	04/02/03							

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to prevent unsolicited messages on the Internet (Sen. Oliver)	04/02/03							
S-3	An Act to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate) (Sen. Oliver)	04/02/03							
S-4	An Act to amend the Official Languages Act (promotion of English and French) (Sen. Gauthier)	04/02/03	04/02/26	Official Languages					
S-5	An Act to protect heritage lighthouses (Sen. Forrestall)	04/02/03	04/02/05				04/02/05		
S-6	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	04/02/04	04/02/11	Legal and Constitutional Affairs					
S-7	An Act respecting the effective date of the representation order of 2003 (Sen. Kinsella)	04/02/04							
S-8	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	04/02/05	04/02/12	Energy, the Environment and Natural Resources					
S-9	An Act to honour Louis Riel and the Metis People (Sen. Chalifoux)	04/02/05							
S-10	An Act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act in order to affirm the meaning of marriage (Sen. Cools)	04/02/10							
S-11	An Act to repeal legislation that has not been brought into force within ten years of receiving royal assent (Sen. Banks)	04/02/11							
S-12	An Act to amend the Royal Canadian Mounted Police Act (modernization of employment and labour relations) (Sen. Nolin)	04/02/12							
S-13	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	04/02/19							

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
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